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SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C.

Rt.Rev.Dr.Edward Wayland *

*

against *

*

*

John L O'Brien Jr et al *

No. 81-6839

SUPPLEMENT ADDITION TO JURISDICTIONAL

STATEMENT//APPEAL

Comes now the Sovereign Citizen Sovereign Immunity Appellant, Rt.Rev.Dr.Edward Wayland as Minister in Church-State Confrontation and denial of Civil, Religions, Constitutional, Common Law, etc. Rights

With Ex. marked "H" in support of entire Brief; and that which is not listed therein is not waived by omission.

Rt Rev Dr Edward Wayland pro se
forma pauperis
Sovereign Citizen; Preamble. A.9,10
Sovereign Immunity; " " "B "
Affidavit//Theologital Judgment

RT. REV. EDWARD WAYLAND
P. O. BOX
ARCHDALE, N.C.

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing has been made upon Defendants by depositing a copy thereof, Aug. 4, 1982, in the United States mail postage prepaid addressed to Robert B Stimpson 23 Central Ave Lynn Mass 01901

Rt Rev Dr Edward Wayland pro se
forma pauperis
Sovereign Citizen, etc.etc.

SEP 27 PAGE 28

P.O.Box 1009
Lowell, Mass. 01853
July 31, 1982
Cert. #6854636

IRS
J.F.Kennedy Bldg Rm-100
Boston,Mass. 02203

ADMITTED, ADMITTED/AVERRED AS TRUE
PRIMA FACIE EVIDENCE

All alleged personell, etc.:
(Lowell, Boston, Washington, etc.)

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY
CIVIL, RELIGIOUS, COMMON LAW, etc.
RIGHTS TAX PACKET

That wherein the enclosed "tax packet" was filed with the IRS August 25, 1978 for ALL years; and other portions in the various Federal Courts, and having been ADMITTED, ADMITTED/AVERRED AS TRUE is thus PRIMA FACIE EVIDENCE.

This alleged branch of government is bound by Article 6 of the United States Constitution; and violations of any Civil, Religious, Common Law, etc. RIGHTS of the Sovereign Citizen Sovereign Immunity (Preamble, Amend.9,10; Declaration of Independence, etc.) the branch loses jurisdiction/authority. Period. In addition to which theIRS has admitted to being illegal, unlawful, unConstitutional under defective Amend.17-Senate.

That where this alleged branch of government has elected to move AGAINST Church, Church-Property, and Christian Ministry, Ministers...in a Christian Nation, and has admitted to being ANTI-CHRIST, it has become a satanicHorror.

Under the provisions of Amendment 1, the IRS has absolutely NO jurisdiction/authority by the ESTABLISHMENT and FREE EXERCISE clauses. Thousands of years ago, GOD damned for all eternity ALL those who attack HIM, or any of HIS Children, of which the Rt.Rev. Dr.Edward Wayland is one, and has been since his ordination January 6, 1936, 1Market Street, Philadelphia.

Jesus Christ, in Matt.18:15-17 stated clearly how such are to be treated (referring back to the Old Testament, therein).

To spell it out more clearly. This packet covers the years:
1935, 1936, 1937, 1938, 1939,
1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949,
1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959,
1960, 1951, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969,
1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979,
1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988--Armageddon.

And where it is established, Admitted, Admitted/Averred as TRUE the IRS is illegal, unlawful, unConstitutional, Demand is herein made, under provisions of FRAUD (Sov.Cit.Sov.Immun.) for return of ALL alleged taxes seized.

COMMON LAW JURY TRIAL PER PAIS PEERS DEMANDED.

By Rev. Dr. Edward Wayland, master pro se
forma pauperis
Sovereign Citizen;Preamble.A.9,10
Sovereign Immunity; " " " J'
Affidavit//Theological Judgment

RT. REV. EDWARD WAYLAND
P. O. BOX 1009
LOWELL, MASS 01853

Rt. Rev. Dr. Edward WAYLAND
P. O. BOX 233
HAVERHILL, MA 01830

Service

Best Copy Available

PRIMA FACIE EVIDENCE

000299

Post Due
Final Notice
Read Carefully

If you inquire about your account, please refer to these numbers or attach this letter

Date of this Letter
07-02-82

Taxpayer Identifying Number
016-09-4447 09

Document Locator Number
08247-132-90605-2
30-8012

EDWARD T HAYLAND
P BOX 1008
DWELL, MA 01853

A111 504 608 0401

Illegal, unlawful, unConstitutional under defective Amend. 17 Senate

Dear Taxpayer:

Although notices and demand have been made for payment of your Federal tax liability shown below, we have no record of receiving the amount due. This is your final notice before we proceed with enforcement action.

To prevent such action, send us, within 10 days from the date of this letter, your check or money order for the total amount due, payable to the Internal Revenue Service. Show your taxpayer identifying number (social security or employer identification number) on it and enclose this letter to assure prompt and accurate credit. An envelope is enclosed for your convenience. The copy of this letter is for your records.

If you have recently paid the amount due but your payment has not been credited to your account, or if you cannot pay this amount in full, contact the office shown below within 10 days from the date of this letter. The telephone number is shown on the enclosed notice.

If we do not receive your payment or if you do not contact our office, enforcement action may be taken at any time after 10 days from the date of this letter without any further notice to you. A Notice of Federal Tax Lien may be filed which constitutes public notice to your creditors that a tax lien exists against your property. Salary or wages due you may be levied upon, as provided by section 6331 of the Internal Revenue Code, by issuing a notice of levy to your employer. Bank accounts, receivables, commissions, or other kinds of income you have may be levied upon. Property, such as automobiles, may also be seized and sold to satisfy your tax liability.

Enclosures:
Envelope
Copy of this letter
Telephone Number Notice

Chief, Collection Branch

Reply within 10 days
to avoid enforcement action
and additional penalties.

FRAUD

Tax Form Number	1040
Tax Period Ended	12-31-80
Balance of Prior Assessments	2,980.80
Late Payment Penalty	.00
Interest	30.35
Total Amount Due $	3,011.15

Reply to: INTERNAL REVENUE SERVICE
J F KENNEDY BLDG ROOM E-100
BOSTON, MA 02203

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM ALLODIAL FREEHOLD

The right of property....is not ex gratia from the legislature, but ex debito from the Constitution...it is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government
16 AmJur2d Sec. 362

In the Syllabus of Boyd v U.S., an alleged civil suit:

"A proceeding to forfeit a person's good for an offense against the laws, though civil in form, and whether in rem or in personam, is a 'criminal case' within the meaning of that part of the Fifth Amendment which declares that no person 'shall be compelled, in a criminal case, tobe a witness against himself'"

on page 635
"It is the duty of courts to be watchful of the Constitutional rights of the citizen, and against any stealthy encroachments thereon"

on page 639
"I am of the opinion that this is a criminal case within the meaning of that clause of the Fifth Amendment..."
Boyd v U.S. 116 US 616, 630 (1886)

The decision:

The Supreme Court UPHELD the 4th and 5th Amendments in seizure of property and reversed the prior finding for the United States; and established THAT THE SEIZURE IN A CIVIL SUIT WAS A MISNOMER. IT WAS IN ALL RESPECTS A CRIMINAL ACTION: THEREFORE CRIMINAL SAFEGUARDS MUST BE IN FORCE TO PROTECT THE RIGHTS OF THE SOVEREIGN CITIZEN.

And in so ruling, the Supreme Court was in error; an error that has caused untold harm. For, though the Supreme Court was

correct in statintg it was a Criminal Action, and came under the 4th and 5th Amendments, the reasons were in error.

The Court omitted that under Allodial Freehold, the government had no power to seize...whether civil or criminal action...for the Allodial Freehold was utter, total, and absolute property ownership. The Founders wrote it into the Constitution without labelling it as such. And, as being absolute property ownership,..an inalienable right that could not be abridged, amended, nor voted away...the government had no jurisdiction over it.

The Supreme Court was correct in their decision. But for the wrong reasons.

In the ancient days, the first tenhative ownership of land was military tenure granted by the King to a subject, whose chief duty was to supply fighting men for the king's armies. For the king was the sole "owner", and could grant, if he so desired. This was a feudal compact, some of which survived the social changes, and became a "copyhold". This was not a free holding, for there were conditions attached to the grant, which survived only the king's good will.

Eventually the holdings developped into free and unfree--. The local manor, the king, and every lord in between maintained jurisdiction over the unfree holding. But in the free holdings, the agrieved owner could petition the king to protect him from a local usurping manor. With this right to petition developed a centralization of justice, and feudalism quietly died.

With the assistance ofthe Christian Church, the Common Law of the land, the customs, was concentrated into the Laws of Conscience, became operative, and slowly, eroded away the absolute power of the king.

Simultaneously, there was a lower economic tenure. The Agricultural tenure which was a quasi-military tenure, for the king was in continual need of men, men, and more men....and they had to be fed. In effect, both tenures, military and agricultural, were for the life of the grantee; but for his lifetime only. Heritability, other than Church holdings, had not yet appeared. It made a cautious appearance after the Conquest..as an alien Norman heresy..the right to "ownership".

In the 13th Century, the grants of land were in "fee simple".. as payment in land for services, a corruption of the feudal feoffment and was a relatively easy type of grant. It developed "ownership",

nd all the finenoss of possession. The owner, in fee simple, ecame a threat and a jeopardy to the manor and the king. By law he fee simple was ended. But the subjects had a taste of owner- hip now, and it was eventually revived, but changed from its riginal meaning and purpose.

The governments recognized fee simple as a threat to them. It is very unlikely theyrealized how serious the danger really was. For, with the fee simple came the break with feudalism, and by developing "ownership", slowly evolved into the freehold: an actual ownership of property, tax-free, by freemen not subject to the manor; and with the right to protection from the king, merely by petitioning for that protection.

For it is with the right-of-ownership that the subjects developed enough incentive to bring about social, cultural, and scientific revolutions, not by the will of the king, but by the desires of the landowner.

The right of freehold for life was readily relognized and accepted. But tenure only for a lifetime was not enough. When the theory of heritability became stronger, this concept was savagely attacked; and from fending off the attacks developed the modern trusts--a freehold held by Third Parties for the designated heirs, or other specified purpose.

The freehold was held by the freemen under "seisin"; and it was this right of seisin that was the weakest link in the chain of freehold. As a result of this weakness, the seisin was attacked, often successfully, by usurpers, previous owners, the manor, and the king(even though the king was pledged to protect the freehold).

The fee simple was restored as an estate to assist the Battle of the Freehold. The savage no-quarter of the battle is made quite clear on examinations of the Magna Charta, 1215 A.D. Almost half of the provisions deal with property, ownership, protection, and associated rights, including the right to jury trial of the peer-group.

Gradually the society fractured into three classes:
Freemen, who could own property;
Unfree (serfs, peons, bondsmen, indentured, etc) who could own the clothes on their backs....sometimes;
and the Outlaws who had no rights at all.
At the same time, the autocracy of the manor gradually shifted to a centralized government.

While the Freehold was developing for the Freemen, a similar, but less effectual Copyhold developed as ownership by the villein. This slowly gained recognition, but never abhieved the stature of the freehold. It was easier to disseisin the copyhold, i.e. seize the property and disposses the villein under one pretext or another. Also, the king was not committed to protect the copyhold as he was the freehold, for the villein was more subject to the manor. The king did, however, partially restrain the manor from the more outrageous performances.

From the fee simple developed the freehold of tohal ownership, and the copyhold, which was slightly above the level of limited, honorary ownership, subject to many changing conditions and whims.

From the theory of "ownership" developed the centralization of government, the Common Law, the land laws, laws of Contract, Torts, Trespass and Case; the Criminal Law was in prior existence but mainly interpreted as breach of the king's peace. This, of course, rapidly expanded with the new concepts.

Throughout this era there was a silent, centralized government that kept to the background--the Church--which governed by the Ecclesiastical Law of the Ten Commandments; and left a large imprint upon the Common Law that no kennite has ever been able to completely erode. This Common Law was termed the Law of Conscience, for that is what it depended upon: the conscience of the people for its effectiveness.

As the visible government became strongly centralized, there was, of course conflict between Church and State. It came to a crisis 6/15/1215 at Runnymede where the centralized government was temporarily slowed in its steady expansion; and the rights of the governed were to bind the government with the chains of the Magna Charta.

The entire Magna Charta cannot be quoted herein, but a few of the highlights are necessary. It is important to note that the governed did not trust the king, nor his Courts; and in several sections insisted on Common Law Jury Trial of the peer-group, with the jury right to determine both the facts and the law. A good half of the Magna Charta is devoted to Property Rights. With but few alterations the Magna Charta is clearly shown to be the Bill-of-Rights Amendments to the Constitution of the United States.

S.2-8 Military tenure was ended with holding of land along the pripciples of FREEHOLD;
16. actually states "free holding" of property as such;
18. limited the seizures & property
19. by "free tenants" enlarged upon FREEHOLD;
20 rights of freemen to jury trial;
27. heritability of freemen;
30. freemen rights against seizure of property;
31. property cannot be seized;
32. Property of criminals cannot be confiscated/must be return

37. property held in trust;
39. freemen right to jury trial;
40. right to justice;
45. government officials must KNOW & OBEY the law;
49. eliminate practice of hostage;
52-57 restoration seized properties, illegal fines, and punishment.

Of course the argument is raised that some provisions of the Magna Charta were for the immediate time; however, the provision may have been immediate....but the principle therein continued beyond the immediate need.

The centralized government that subsequently developed was no doubt the best government the civilized world had known. But it did have a serious weakness: the king. He could and did cause a tremendous amount of damage. He was especially encouraged by the anonymity of governing-at-a-distance, which was the relationship to the colonies.

However, the king misjudged the colonists.

In order to conquer a wilderness and build homes for their families, certain qualities were a requisit for the colonists... a fierce sense of freedom, and strong powers of self-reliance. This clashed with the centralized government's demands of serf-like subservience.

At first the colonists pleaded humbly for equality.

In the Declaration of Rights, Congress N.Y., 10/19/1765, the colonists pleaded in low-key for reaffirmation of the same inherent rights and privileges of natural-born subjects within the kingdom of Great Britain, which meant the Common Law, Magna Charta, and specifically mentioned in Article 7 the right to trial by jury.

Then again in the Declaration of Rights, Congress Philadelphia, 10/14/1774, but in much sterner, stronger language

Demanded the Rights to which they were entitled under the Common Law and three times demanded jury trial.

Had the Colonies been close at hand, it is probable that the king would have listened, for the bloody uprising of the subjects against the despot was too recent for comfort. However, an ocean was between him and the colonies; and thus he had 3000miles of courage.

Thus, in reserved tone, but angry denunciation and disclaimer, by Declaration of Independence, Congress 7/4/1776, listed its multiple grievances, seizures, denials, violations of rights and broke alliance with the source of the grievances: the king. And, quietly though loudly expressed the freehold concept--allodial--became a fact rather then theory.

From experience with an unpredictable king, the Founders knew that the king's law of property rights was a quick-sand, and would forever remain so under any despot or tyrant--incidents, remainders, mortmain, alienation, warrants, fines and recoveries, settlemant, resettlement, entail, and a host of other advantageous fictions by which the despot, without the protection of Common Law jury trial, could jeopardize all ownership and seize at will, governed only by insatiable appetite.

With this in mind, the Founders built a Constitution upon the Common Law with the express purpose of improving upon the defects of the Common Law.

The Founders didn't trust government, not even the government they were forming; even into the Preamble they established who was to be Master and who the Servant:

"We the people of the United States....."

The intent, as so plainly stated was that the Citizen was to remain Master.

Any other interpretation is treason.

In fact, Thomas Jefferson stated bluntly:

"Speak not of faith in your fellow man.
Bind him down with Chains of Constitution."

And, the Founders bult upon the Common Law, which Constitution cannot be interpreted other than by the Common Law. No Statute, rule, nor fiat can justly interpret that Constitution.

The greatest fear the Founders had while they were building the Constitution and all the Safeguards was the gradual and subtle corrosion with a full-blown domestic-brand despot. As far as they were concerned a foreign-tyrant and a domestic-tyrant were one and the same. Tyranny, by any name is still tyranny.

With this in mind, knowing that the only sure way to prevent a despot was to deny jurisdiction over property and rights, they enlarged on the concept of freemen and freehold. They determined that property was to be an inalienable absolute and then built the fortress

ALLODIAL FREEHOLD

the absolute, inalienable right of property that cannot be abridged, amended, nor voted away. However, where Freehold was originally the concept of land-ownership, the Founders went far beyond that and included all property, chattels, etc., movable or not. So that by their Constitution not even a gun-wrapper can be seized without a Common Law Jury Trial.

In order to prevent the manor-type squabbling, the Founders mandated that the Constitution was to be, and is, the Supreme Law of the Land; and subsequent Supreme Court decisions found that the Supreme Law, the Constitution, was, and is, a part of the Constitution of every State. Thus, every State had brought to it, the Common Law of the people--a Common Law established by the moral code of the Bible, reaffirmed in the Magna Charta, and acknowledged by the Preamble and various Amendments--9 & 10 in particular.

Throughout the Founders kept a wary eye on Property Rights, and tried to build into the Constitution safeguards against the forecast of State and Federal future actions, wherein they would deplore the absolute Right and declare it a "privilege" based upon the benevolent government by passing statutes seizing jurisdiction of "property". For, the Founders realized that sooner or later even the most beneficial forms of government declared war upon its subjects.

The Mandate of Amendment Four is quite clear:

> "The right of the people to be secure in their persons, houses, papers, and effects,
>
> against unreasonable searches and seizures,
>
> shall not be violated,
>
> and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Amendment is divided into FOUR separate parts; and the concept of Allodial Freehold is clearly spelled out in the first part. There can be no other interpretation.

This is further amplified in Amendment Five:

> "..nor shall private property be taken for public use without just compensation."

Herein is the mandate against the enrichment of one man at the expense of another (Common Law). Nor the enrichment of many men at the expense of one. Only by having Property Right as an absolute Inalienable can such a mandate stand. And that absolute, inalienable, of course, is

ALLODIAL FREEHOLD

The Bill of (Powers and) Rights continues with Amendment 9:

> "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

This Amendment, coupled with the Preamble, establishes that the Citizen is Sovereign in his person, property, papers and effects. Where the original Freehold concept was formulated only for ownership of land; the Founders expanded it into complete ownership of land, chattels, and all other forms of property. This was understood to be such a fundamental Right that the Founders omitted it directly, but did incorporate it into Amendment 9.

The mandate of Amendment 10 is equally clear:

"The powers not delegated to the United States
by the Constitution,
nor prohibited by it to the states,
are reserved to the States respectively,
or to the people."

Here are listed FOUR separate and distinct statements, and state that powers of the people <u>can</u> be given to the State....but NOT to the United States....perhaps! By all the preceeding portions of the Constitution, the mandate is quite clear that the Rights of the people REMAIN their inalienable rights and cannot be abridged, amended, nor voted away. Among these absolute rights is

ALLODIAL FREEHOLD

AMendment 13 adds further to the mandate. Although it was primarily a Civil War Amendment, its provisions are most enlightening:

"Neither slavery
nor involuntary servitude,
except as punishment for crime whereof the party shall
have been duly convicted,
shall exist within the United States,
or any place subject to their jurisdiction."

Only under Allodial Freehold can the mandate of Amendment 13 be accomplished. Only by absolute property ownership can the Citizen be Freemen. When the government maintains the unconstitutional statute that it maintains and retains jurisdiction over the Citizen or his Property, the Citizen no longer has ownership, and is in involuntary servitude to the State....the same condition that the Founders objected to: that by the king's laws they were in bondage to the king...and not Freemen that they claimed to be.

Put simply: Allodial Freehold is the absolute ownership and control

without government restraint or jurisdiction

an absolute Right under Common Law, as improved by the Constitution.

For anything less than the Allodial Freehold status is--<u>peonage to the State</u>, and has thrown the Citizen back to the era preceeding the Magna Charta, 1215 A.D.

And, where the government maintains the fiction of jurisdiction, the Sovereign Citizen has no recourse but to demand the jury for his protection, the Common Law Jury to determine the facts and the law.

For anything less is <u>bondage to the state</u>.

A brief analysis of a deed "Tenant by the entirety" will clearly disclose the fallacy of the position of government that ownership is a "privilege" and not a right.

By Black's Law Dictionary, "Tenant" is defined as the owner; "Entirety" means the whole; and the whole means that there can be no outside jurisdiction, control, etc. For, in that event, there can not be a whole--only a part, thereof, by which translation the concept of "entirety" is a fraud. To continue, Tenant by the Entirity further maintains the entire, the whole, and does not include outside jurisdiction.

Thus, the government can not, and may not, Constitutionally, seize by Lien, Attachment, or any other process properties of the Citizen by action in any Civil--nor Criminal--Court. Such action as the government might take can be taken ONLY in a Criminal Court with all the Constitutional and Proceedural Safeguards. This, of course, includes Common Law Jury to determine the facts and the law.

By this definition, the U.S.Tax Court is illegal and unconstitutional. Action taken therein is Criminal Action..in a Quasi-Civil Court(?) staffed by administrative personell. By maintaining the fiction of "Suit at Equity", the government violates the Constitutional Mandate. For, even in suits at equity, the Founders provided Common Law Jury Trial by Amendment 7, thus protecting their Freehold from determined government usurpers.

> "Decency, security, and liberty alikd demand that government officials shall be subjected to the same rules of conduct that commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people BY EXAMPLE. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt forthe law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means...would bring terrible retribution. Against this pernicious doctrine this court should resolutely set its face."
>
> Justice Brandeis..Olmstead v U.S. 277 US 438,485, 48 S.Ct. 564,575, 72 LEd 944 (1928)

The Constitution is a Restraint upon government by enumeration of its limited powers. Any excess, any casualty of the Citizen's rights leads only to Anarchy in the Courtroom, with the retribution listed above/

For, the government does not have, and can never achieve, no matter how loudly it protests to the contrary, jurisdiction over property in violation of

ALLODIAL FREEHOLD

Thus, the government is powerless to seize, or to place a lien upon property of any kind.

And, thus without jurisdiction, the government cannot, through the courts or in any other way, deprive the Citizen of his property in an action erroneously called "mortgage foreclosure", etc.

JURY TRIAL, COMMON LAW, DEMANDED.

respectfully submitted

_____pro se
forma pauperis

Best Copy Available

ADMITTED/AVERRED AS TRUE
PRIMA FACIE EVIDENCE

June 12, 1991

Commissioner Internal Revenue
Treasury Dept.
Washington, D.C. 20224

Cert #P8614168
return receipt

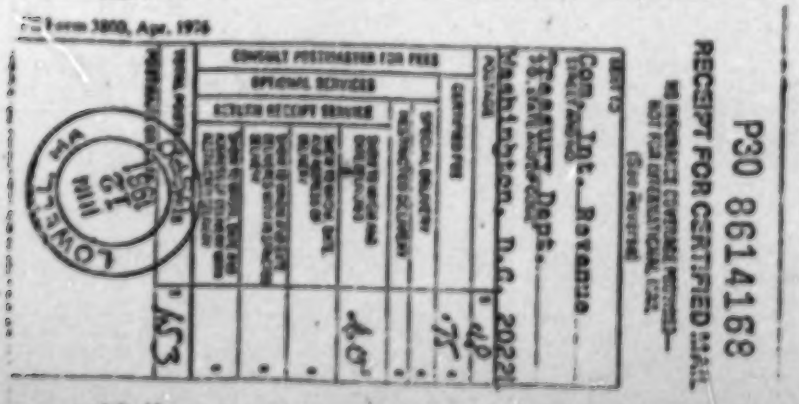
COMMON LAW AFFIDAVIT OF SOVEREIGN CITIZEN, REVOCATION ALL AUTHOS,etc., DEMAND FOR RETURN ALL SEIZED"MONIES", etc.1935 to'date & CHARGE OF CRIMINAL FRAUD.

Comes now the Sovereign Citizen, Rt.Rev.Edward Hayland Ph.D.,Ms.D.,D.D. and herein revokes all 1040's filed from 1935 to date (except 5th Amend Supp.Objection), and all other forms, etc. on multiple grounds listed below; and demands return of all "monies" seized during that time under numerous unconstitutional pretenses on the grounds that the Statute-of-Limitations, as the Constitution, applies ONLY to the government, and NOT the Sovereign Citizen; and numerous other grounds listed [illegible]. And that such seizures having been done under color of law, the charge of CRIMINAL FRAUD is levied against and has participated.

Rt.Rev.Edward Hayland Ph.D.,M.D.,D.D. is a duly ordained minister, having been ordained both by God, and by man. He is Sovereign Citizen under the provisions of the Preamble, Amends 9,10,14 which is the Contract between Government, as servants, and Sovereign Citizen as master (Third-party, non-signer).

AFFIDAVIT is brought under Equal Protection, Privileges, and Immunities Clauses (wherein if the IRS & agents cannot be brought to account...then neither can Sovereign Citizen) 7thAmJur2d Taxpayer Actions, Quo Warranto, Writ of Prohibition, Disclaimer of Jurisdiction &l Authority, Declaration of Outlaw; God's Law of Liberty & Justice; Warning to the Wicked, Warning to Evil Rulers, denial of Right to Glorify Satan and those who do his bidding, Theological Jurisdiction, Magna Carta, Declaration of Independence Nuremberg declarations by U.S.S.Ct. Justices, Bill of Rights, etc...

The only legitimate function of government is to protect the Sovereign Citizen; the only legitimate function of the Judiciary is to protect the Sovereign Citizen from oppressive government practices. The government has failed-to-protect, has issued unconstitutional and unlawful "money", illegally fired multiple inflations, violated due process of law (Art. X Const. Mass., a Common Law state, mandates



that when the government fails to protect, the Sovereign Citizen is NOT required to pay).

That Amends 16, 17, 16 are unconstitutional on different grounds; and where Amend 17 is unconstitutional....NO laws passed since the alleged date of its ratification is lawful, legal, which includes the establishment of the IRS, U.S.T.Ct., etc.

This the government neglected to inform Sovereign Citizen; and fraudulent statement "Ignorence of the law is no excuse" does NOT apply for that is a deliberate and willful mistranslation of "ignorantia juris quod quisque tenetur scire, neminem excusat", which correctly translates to:
IGNORANCE OF THE RIGHTS WHICH EVERY ONE IS BOUND TO KNOW, EXCUSES NO MAN....an entirely different matter.

Thus, where the Constitution is valid only (preamble, Articles, Amendments 1 to 15 only, other representations (under color-of-law, for Unconstitutional Law is from the date of its inception, rather than the date it is declared Unconstitutional) are, of course, Criminal Fraud.

And that the ex-post facto Clause applies only to government, not to the Sovereign Citizen; and claims under it are valid back to 1935!and before!!

One such claim is herein made for damages due to radiation on Manhattan Project, where the government refused medication and threatened to put Rt.Rev.E.W. in jail", and loss of career. (But then, the government ALWAYS threatens with jail to cover up its own corruptions, evils, mistakes, etc.)

And that the I.R.S. has admitted/averred to having raised and seized an estimated $2,000.00 from the Sovereign Citizen's post-office box; and has refused to return it.

That the illegal IRS has further multiplied its unlawful acts with illegal letters without signature, postmark, or signature of judge. Has refused to answer lawful questions, has necessitated actions under Privacy and F.O.I.A., has violated the entire Constitution, Common Law, Allodial Freehold, Abused ALL Amend. 1 Rights, Freedom of Religion in particular. Has instituted criminal investigation that is defamatory...without cause; and has admitted NO criminal findings of any kind. In collusion, conspiracy, veiled and not-so-veiled threats has harassed and persecuted

FOR, ARTICLE 6(3) binds the IRS...as well as the rest of government.

And, all actions thereby are CRIMINAL FRAUD. For, under Common Law there is only Public-Wrong (criminal) between gov't and citizen; and Private-Wrong(Civil) between citizens.

Thus, Sovereign Citizen, Rt.Rev.Dr.E.W. demands ALL alleged assessments, etc. made thus be vacated as being Criminal Fraud. For, the IRS, being illegal, has no Jurisdiction nor Authority to make such assessments, issue such statements, threats, etc.

And the IRS has repeatedly violated Sovereign Citizen's

AFFIDAVIT

Common Law Copyright without his consent, without his permission, without compensation as required under 17U.S.C. (Civil & Criminal).

In the early days when a man had a grievance he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the entire society was grieved and the society redressed it for him. However, when that society refuses to redress that grievance it has given back to the man the right to redress it himself.

Sovereign Citizen Rt.Rev.Edward Wayland Ph.D.,Ms.D.,D.D., herein demands redress of his grievances:

Common Law Copyright
Civil Rights
Radiation damages
Return of all "monies"
Defamation & Harassement
Violation Due Process, Procedural Safeguards
Charge of Criminal Fraud, Unclean Hands
Interests, costs, expenses, penalties, punitive damages

All the above, and what is not listed is not waived by omission, is brought up under Preamble, Amends 9,10,13,14, Theological Jurisdiction & Theological Judgment; for, it is established that where there is no redress under "law", Theological Jurisdiction & Judgment is supreme law, this being the Common Law as derived from the Bible.

Next step: Information to the Grand Jury.

SWORN AND SUBSCRIBED UNDER PENALTIES OF PERJURY ACCORDING TO THE COMMON LAW (Christian, not the king's courts), this 12th day of June, 1981

[signature] pro se
forma pauperis
Sovereign Citizen
Preamble, Amends 9,10,13,14

Enclosed: bill

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

Memorandum

Memorandum Sovereign Citizen
Sovereign Immunity
Minister/Affidavit

[This has been filed in federal court.]

The purpose of this Memorandum is to establish, without questions, the exact jurisdiction/authority of the Citizen, and that of the government, both State and Federal.

Justice Marshall, U.S. Supreme Court, conceived a clear-cut issue of jurisdiction/authority in 1821 when he pulled out of thin air, without grounds or foundation, the theory of Sovereign Immunity of the government; and the fiction that the government could not be held accountable without its consent. Thus, in one step, Marshall reduced the Sovereign Citizen to a peon at the beck and call of government. For, nowhere in the Constitution of the U.S. is such power granted...and enumerated.

The Preamble, Amendments 9, 10 of the U.S. Constitution establish and re-affirm that the Constitution of the U.S. is CONTRACT between government as SERVANT and Citizen (Third-party Non-signer) who remains Master and SOVEREIGN. Thus it is established that the Citizen is not only SOVEREIGN, but that in such capacity, it is the Citizen, not Government that has total SOVEREIGN IMMUNITY.

This is further affirmed by the Common Law (Christian, not former king's self-serving courts, not Federal Court attempt to make-law by "case-law"). Under the Common Law there are but two categories: Private-Wrong and Public-Wrong. Private-Wrong is, of course, litigation between citizens, which is Civil. Public-Wrong is Criminal. It is litigation between government (as one of the litigants) and the Sovereign Citizen, regardless of what the name of the case is named. Being Criminal, all Procedural Safeguards Apply for the Protection of the Sovereign Citizen; and the Burden-of-Proof remains upon that of the Government, especially when the constitutionality of action, rules, "law" is challenged.

Thus, violations of the Constitution are not just "Civil-Rights" which is euphonic legalism, but in fact: perjury, felony, treason, anarchy and outlaw.

The Declaration of Independence further affirms the Sovereignty of the Citizen, and by the "consent of governed" clause (which is valid under Article 6 (1,2,3) U.S. Constitution) establishes the immunities of the Citizen in relation to government, that the government remains under Contract TO the Sovereign Citizen.

A brief summary of the Sovereign Citizen Rights is to be found in the Body-of-Liberties, 1641, the Massachusetts Magna Carta, which provisions found the way into the U.S. Constitution: FREEMAN, Freehold (Allodial) property rights (absolute ownership), jury trial, due process, etc., etc., etc., etc.

However, Amendment 17 adds both confusion and corruption to the government. It never issued from Congress with the required Constitutional ⅔rds vote; and was not properly ratified by ¾ths of the legal states; and was thus improperly signed into "law". So that, after 1914, the election of Senators was unConstitutionally changed from that by state legislatures to that by the citizens. This, of course, is null and void as though it had never been passed (Am.Jur2d Constitutional Law, Courts, Jurisdiction, Jury) and constitutes a FRAUD.

Since 1915, none of the functions of the Amend. 17-Senate are legal, lawful, Constitutional. This establishes the federal government, at best as FRAUD, and at worst as a collection of rogues and scoundrels protected by Marshall's fictitious Sovereign Immunity.

The Body-of-Liberties, 1641, further establishes, as found in Amendment 1 ESTABLISHMENT and FREE EXERCISE clauses, that the government is to no longer use the Church for Judgments that might not be readily made in the courts. From 1641, the courts were no longer required to ENFORCE Theological Judgments; but the courts were required to HONOR them as valid, binding law.

The state could no longer control the Church; but there were no such restraints upon the Church which could assist, guide, direct, etc., the state. This is the ONLY separation made between Church and State; and nowhere in the Constitution were the provisions that government could violate or interfere in Theological areas.

And, as Sovereign Citizen Sovereign Immunity, it is the Citizen and the Minister, not government, who is to determine what a Theological Area is or is-to-be.

Under Shipboard Covenant, 1636, the nation-to-be was dedicated, in Covenant, to God, and thus officially became a Christian nation. As such, the Common Law became established as that founded upon the Old and New Testaments. A Common Law affidavit is one that is signed in the presence of two or more witnesses, who affirm that signature with their own. And, it is Written in Scripture that the signature of the Minister is equivalent to 2-3, or more, witnesses, and needs no further corroboration.

Thus, the signature of the Minister establishes Affidavit of ALL complaints, pleadings, etc.; and, as such can be countered only by two or more counter Affidavits. This has NOT been done.

Thus, the signature of attorney, if valid under Amend. 17-Senate, is but a "signature of merit" and can NOT counter, answer, nor deny the Affidavit of the Minister's Signature. Thus, establishing that the "signature of merit" is of lesser weight.

The Federal Rules of Civil Procedure, Rule 8; Common Law; multiple U.S.S. Ct. decisions (res judicata) establish that any complaint or pleading that is not denied (in total), answered is admitted/averred as TRUE, which admissions remain TRUE. No "case-law" can change that which is admitted, regardless of alleged judicial findings. Nor can judicial finding be applied to subsequent cases (Green v U.S.) for only the parties of a particular litigation be bound by the FINDING (not the pleadings). To attempt to rule-in case-law is not judicial make-law in violation of the Constitution wherein only the Legislature has that enumerated right and authority.

Case-law applied unconstitutionally is loss of any alleged jurisdiction/authority by the branch of government applying it:

Executive/ Legislative/ Judiciary; for case-law, and quicksand statutes are "legalisms", not Constitution, that angered Jesus Christ to the point where He damned, for all eternity, the scribes, pharisees, sadducees. "Legalisms" is NOT God's Law of Liberty & Justice, and establishes injustices and evils of corruption in government.

The U.S.S. Ct. justices at Nuremberg waived aside the defenses of the accused on the grounds that NO citizen is required to obey an evil law, evil order, evil government. In fact, Scripture states bluntly that the Christian is not only bound not to honor evil, but is requested to resist it. For, that which is not of God is of satan. And, government-corruption is not of God.

Any violation of the Constitution is a corruption.
(Brandeis: Olmstead v U.S.; Douglas: Branzeberg v Hayes)

Thus, where it is affirmed that the signature of Minister establishes Affidavit, such signature also establishes Theological Judgment. Thus, all complaints, pleadings are Theological Judgment, and must be HONORED as such by the government. To refuse to HONOR is to violate Amend. 1 and Body-of-Liberty provisions. Amendments 9,10 further establish, arising under the Preamble, that all such Complaints and Pleadings are and remain Theological Judgment.

Such Theological Judgment remains of greater weight than all the case-law, quicksand statutes, and assorted legalisms. It remains in effect regardless of any Amend. 17-Senate court findings; and by the self-damnation provisions in Theological Judgment as being opposition to God's Minister is bound in heaven as on earth.

Thereby, the court has only the jurisdiction/authority granted by the Sovereign Citizen Sovereign Immunity; and cannot usurp any other. Only the Common Law Jury per pais peers can grant to the court a limited jurisdiction/-authority. And, since the Civil War it is extremely difficult to find any cases tried Common Law Jury per pais peers. The verdict of an Amend. 17-Senate judge is thereby suspect; and not being made under the Common Law Jury cannot be legally, lawfully, Constitutionally cited.

Thus, the Sovereign Citizen, Sovereign Immunity Minister has no alternative but to disclaim jurisdiction/authority that may or may not have been sneaked past him, without informing him of such and without his consent/-permission in writing of all rules, regulations, quicksand statutes, legalisms, administrative law, commercial and merchant laws, etc., etc., etc., and retains his total Sovereign Immunity. That where the government, as SERVANT, claims Sovereign Immunity, the Citizen as MASTER is thereby MORE Sovereign and entitled to greater SOVEREIGN IMMUNITY.

It is thus established that the government is not the constitution; and is bound in Contract, Covenant, and Faith by that Constitution. But, that government has become a haven for rogues and scoundrels. This was not the intent of the Founders. Nor is it what the Sovereign Citizen Sovereign Immunity Minister has agreed to.

The Sovereign Citizen remains a Citizen of the United States, but the government has ceased, by the Constitution, to be lawful, legal, Constitutional.

In the early days when a man had a grievance, he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the entire society was grieved and the society redressed it for him. But when that society refuses to redress it for him; and when that society IS the source of that grievance, it has given back to that man the right to redress it himself. In a situation like that, the Sovereign Citizen has no alternative but to REVOKE his "consent of the governed".

So be it.

---------pro se
forma pauperis

Sovereign Citizen;
Preamble,A.9,10
Sovereign Immunity;
Preamble,A.9,10
Moses said to pharaoh, "Let my people go."
Rt. Rev. Edward Wayland
Lowell, Mass.

Thus, this memorandum, being signed by Minister is both Affidavit and Theological Judgment.

RT. REV. EDWARD WAYLAND

Nov. 24, 1981
Cert. #8614171

ADMITTED, ADMITTED/AVERRED AS TRUE

Department Treasury
Secretary of the Treasury
Washington, D.C.

PRIMA FACIE EVIDENCE

re: Cert Nos. 8595378, 8595382, 8585305, 8595388, 8614165, 8614160, 8614166, 8614159, 8595360, 8614167, 8595367, some of more recent date not listed; and others going back to 1958

Multiple demands have been made upon YOU, your "subordinates" to PROVE that the IRS has jurisdiction and authority. Demands to RETURN all seized properties have been made. Disclaimer of Jurisdiction and Authority has been FILED with proofs (unchallenged by IRS both direct and in the Courts) that IRS is illegal, unlawful, unConstitutional, and is acting in Anarchy against the Constitution; and is thusly OUTLAW without Right-at-Law.

Title 5 U.S.C. Seats. 555(e)etc. establishes that when a challenge to IRS jurisdiction and authority is made, IRS must promptly, substantively materially ANSWER; and where demands are denied: the reason for DENIAL must be made PROMPTLY, etc.

The Department of Treasury, Sec. of Treasury, Commissioner of Internal Revenue, and all the assorted flunkey subordinates have failed to do, refused to do, and obstructed every attempt to determine what, if any, jurisdiction the IRS has or does NOT have.

Thus, over a period of TWENTY-THREE YEARS, it has been absolutely established that the IRS HAS NO JURISDICTION NOR AUTHORITY OVER THE SOVEREIGN CITIZEN, FREEMAN, nor can it produce any power-of-attorney, nor written consent and permission.

It has long been an established fact, res judicata, that when the Constitutional Rights of the Sovereign Citizen are violated, the perpetrator of the violations loses any and all jurisdiction and authority "they" may have had, quicksand statute notwithstanding.

However, a lesser known fact, and hidden from the public is the fact that such violation of Constitutional Rights IS FELONY. And all those who uphold, support, or in any way condone it (42 U.S.C. 1986,1988) are ACCESSORY-TO-FELONY, AND ARE EQUALLY GUILTY. As Watergate judicially settled the question of immunities...THERE ARE NONE...no-one: executive, legislative, or judicial is immune!

As stated above, the IRS has had TWENTY-THREE YEARS to prove it has Jurisdiction and Authority...and it has FAILED TO DO SO. And thus, the IRS has affirmed/admitted/averred it has NO Jurisdiction and Authority.

As Sovereign Citizen, I, Rt.Rev.Dr.Edward Wayland, have Declared the IRS as OUTLAW, which also has been affirmed/admitted/averred by the IRS.

Therefore, as Sovereign Citizen, Freeman, I herein demand the return of ALL properties seized illegally, unlawfull, unConstitutionall by illegal, unlawfull, unConstitutional actions and IRS.

Rt Rev Dr Edward Wayland Pro se
Pro se pauperis
Sovereign Citizen
Preamble, Amends 1,4-10,13-14

RT. REV. EDWARD WAYLAND
P. O. BOX 1003
LOWELL, MASS. 01853

Copies
Dept.Treas. Comm. I.t.Rev. #8614172
IRS Lowell,Mass. R.Greene, C.Walsh #8614173

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Rt.Rev.Dr.Edward Wayland *

*

against * CIVIL No. 82-0957-Mc

*

United States of America * ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM Admitted, Admitted/Averred as TRUE
Therefore..Prima Facie Evidence

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, as Sovereign Citizen Sovereign Immunity; as Minister thereby in Affidavit// Theological Judgment in support of all prior pleadings, with exhibits attached. It is long-established, res judicata, that whatever is not denied completely, nor answered, is admitted, admitted/averred as true.

That where the courts, and assorted litigants, have chosen to ignore this long-established fact-of-law, Plaintiff can assume only that (a) the court lacks knowledge of this fundamental paoint, (b) is in collusion-conspiracy to deny and to deprive of Constitutional Rights, Justice, Access-to-Justice, etc. This Memorandum is on the basis of (a) above.

I.

Federal Rules Civil Procedure Rule 7 specifically states

(a) "There shall be a complaint and an answer;-"

(c) "Demurrers, pleas and exceptions for insufficiency of a pleading shall not be used."

Rule 12(b)(6) motions to dismiss..and the others therein are demurrers; and openly claiming "insufficiencies", etc.

F.R.C.P.Rule 8 clearly states:

(b) "A party shall state in short and plainterms his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies"
"Denials shall fairly meet the substance of the averment denied"

(d) "Averments in a pleading to which a responsive pleading is required,...are admitted when not denied in the responsive pleading." (Federal Rules Decisions R.12(b)(6) state that such motion has admitted/averred as TRUE the adverse party claims which are usually facts..and the law based grievance).

(f) "All pleadings shall be so construed as to do substantial justice." (Motion to dismiss is bare-faced INjustice).

F.R.C.P.Rule 11 clearly establishes bad-faith:

"If a pleading is not signed or is signed with intent to

defeat the purpose of this rule, it may be str
sham and false and the action may proceed as t
pleading had not been served."

F.R.C.P.Rule 12 clearly violates Rules 7,8, Amendment 1,9,10, the mandate of Article 6 that ALL federal employees, officials, etc. MUST uphold the Constitution as Supreme Law; and violates the Sovereignty and Sovereign Immunity of the Citizen as affirmed by the Preamble, Amend.9,10:

(a) "A defendant shall serve his answer within 20 days after the service of the summons and copplaint upon him,--"

(b) Motions to dismiss..are all demurrer and "insufficiencies" of one kind or another. Such a motion is a legalism, not the law; and has NO weight relative to Constitutional Demands. It may be a convenience to judges jealous of their prerogatives: particularly in troublesome & sensitive areas. However, the Preabble and Art.6 mandates deny such rights to <u>servant</u> government. Violations are violations of Constitutional Rights..at which point the court..OR WHATEVER OTHER BRANCH OF GOVERNMENT IS INVOLVED..loses all jurisdiction/authority of the case AND the Sovereign Citizen Sovereign Immunity.

F.R.C.P.Rule 38 states even more clearly and more bluntly:

(a) "The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties inviolate."
However, the statute cannot supersede nor amend the provisions of the Seventh Amendment; only in possible areas (which the Plaintiff cannot visualize) that are not covered by the Seventh.

F.R.C.P.Rule 55:

(a) "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default

(b) "Judgment by default may be entered as follows:
(1) By the Clerk--
(2) By the Court--"

However, in a "BILL OF COMPLAINT", an answer is <u>required</u>; and in ALL Complaints by the Sovereign Citizen Sovereign Immunity, wherein the government is one of the litigants an answer is required on the grounds that grievance is against oppressive government practices; degree of oppression being irrelevant and immaterial.

By filing "Motion to Dismiss", the litigant has failed to answer, is in default, and has Admitted/Averred the Complaint and Pleadings are TRUE. And, remain TRUE regardless of what the Court does or does not do.

ii.

Amendment 1 bluntly states that the Sovereign Citizen has the absolute right to petition the government for redress of grievances. A motion-to-dismiss is not redress. And it is NOT an answer. Thus, failing to answer: has admitted, admitted/averred as TRUE.

Amendments 9,10 bring in the Common Law..based upon the Old and New Testaments, via the Magna Carta etc., and not upon the king's self-serving courts. Under the Common Law there are but two categories of litigation: Private-Wrong (Civil) in litigation between citizens; and Public-Wrong (Criminal) whenever government is one of the litigants. Thus, regardless of the title and "type" of litigation, when government is involved, all Procedural Safeguard apply. The MOST important of these being: Jury Trial...Burden-of-Proof upon the government, Due Process, Equal Protection, Privileges and Immunities, FAIR trial before unbiased judge, etc.etc.etc.

Thus, not only does the government have the requirement of an ANSWER...but the Burden-of-Proof is upon government and NOT upon the Sovereign Citizen Sovereign Immunity.

This is further emphasized by the Common Law Jury Trial per pais peers who have the duty to determine the facts and the law.

So, not only must the government ANSWER, and PROVE, but it must do so before a jury "of-the-country". Failure at any point constitutes: Admitted, Admitted/Averred as TRUE.

For, the Preamble, Amends.9,10, establish that the government is under Contract, as Servant, to the Sovereign Citizen as master. And, when that Sovereign Citizen DEMANDS Answer, failureto answer constitutes admission by the government.

Every day, in many, many courts unanswered demands are presented to the courts as prima-facie-evidence under the local rules, the common law, etc.; and they are acted on as prima-facie-evidence. For: that which is not completely denied nor answered is admitted, admitted/averred as TRUE...and becomes prima-facie-evidence, res judicata.

iii.

Amendment 1 ESTABLISHMENT, and FREE EXERCISE clauses, coupled or not with Common Law Amend.9,10 establish that Religious Rights are separate and distinct from allegedly civil rights. It is established in Scripture that the word of the Minister is equivalent to 2-3, or more,witnesses and needs no further corroboration. Such establishes that the word of the Minister is Affidavit; and, as Affidavit, is of greater weight than a signature-of-merit. However, the Body of Liberties, 1641, establishes that such affdavit of the Minister is Theological Judgment. And, as Theological Judgment must be honored in the courts. Dishonor of the Christian Theological Judgment, is, of course, damnation. It is so Written.

Jesus Christ did not appear to win Popularity Contests. HE came with Mandate. This Mandate is presented to this court by His Minister, Rt.Rev.Dr.Edward Wayland

It is Written that Pontius Pilate committed suicide rather than face the horrible sentence passed upon him for his part in the Crucifiction. For NO man can wash-his-hands clean of GOD. None.

Thus, as the word of the Minister, this Memorandum is Affidavit and Theological Judgment, which must be upheld and honored in the courts. Having REFUSED to Answer, Defendant has Admitted, Admitted/Averred as TRUE..in all their intensity and horrors..all the Plaintiff's grievances and charges both in instant and prior cases.

Most people are uneasy in the courtroom. They have the feeling of intense, concentrated Evil...but, being brainwashed, are mistakenly apprehensive of a feeling, an aura of AWE. Evil is evil. Awe is approach to holiness. There is none here.

To deny that all the facts and the law are admitted, admitted/averred as TRUE is to enter into conspiracy/collusion to deny and deprive. Under Common Law, Theological Law that which is not denied/andwered completely is admitted, admitted/averred as TRUE.

IV.

Once Admitted, Admibted/averred as TRUE, such admissions remain TRUE for all time, regardless of what any judge will do. For, there is no such thing as <u>temporary</u> Truth. The finding of a judge is, of course, limited only to the litigants participant..i.e. binding only if no Constitutional Rights were violated in the process; and only by a <u>proper</u> judge. Otherwise the case remains in limbo, with all facts and law Admitted, Admitted/Averred as TRUE.

Most judges admit that a LIE is generally 90% truth. The other 10% being most troublesome. However, under Scripture, if the content was 99.9% truth, GOD would consider it as filthy rags and as a TOTAL lie.

Thus, not only does the motion-to-dismiss Admit,Admit/Aver as TRUE; but, also, in violating even the slightest (if there is such a thing) Constitutional Right, the Motion-to-Dismiss, under God's Law of Liberty & Justice is a TOTAL LIE.

Where the Court is required to determine the TRUTH, it is required, under F.R.C.P. Rulle 11 to Strike the Motion-to-Dismiss as a LIE, and to Default Defendant on the grounds of failure-to-answer as required.

And, that which is Admitted, Admitted/Averred as TRUE, can, of course, be used as prima facie evidence by anybody in any court of the land at any time thereafter. It is Written.

V.

Just what has the Defendant Admitted, Admitted/Averred as TRUE? Below is but a partial list (what is not listed is not waived by omission):

1. Entire Complaint, instant and prior, of Plaintiff, Rt.Rev.Dr. Edward Wayland; and all pleading.
2. That TWENTY-DAY Summons is valid and binding.

3. That Defendant IS in default.
4. That the U.S.Attorney is illegal, unlawful, unConstitutional (under defective Amend.17-Senate) and has no rights to enter any pleading or appearances in federal court. This was admitted both orally in court, and in having admitted, admitted/averred as TRUE.
5. The I.R.S. is illegal, unlawful, unConstitutional.
6. The Dept. Justice is illegal, unlawful, unConstitutional.
7. The Dept. Treasury is illegal, unlawful, unConstitutional.
8. That where the Federal Reserve Act of 1913 amends the Constitution by "statute" it is illegal, unlawful, unConstitutional.
9. The Attorney General is illegal, unlawful, unConstitutional.
10. The Commissioner Internal Revenue is illegal, unlawful, unConstitutional.
11. That such actions taken without jurisdiction/authority are perjury, felony, treason, anarchy, and outlaw.
12. That the United States does NOT have Sovereign Immunity. (Defaulted under Common Law Burden-of-Proof, etc.)
13. That the various statutes by-the-servant in order to protect-the-servant are illegal, unlawful, unConstitutional.
14. Collusion/Conspiracy to deny and deprive of Constitutional Rights.
15. Admitted to Contempt-of-Court and Contempt-of-Constitution.
16. Admitted to Felony.
17. Admitted to Fraud, and to filing fraudulent documents in public places.
18. Admitted to violations of the Constitution and FAILURE TO PROTECT the Sovereign Citizen Sovereign Immunity.

etc.etc.etc.

VI.

The Attached Exhibits A-E are but a partial list of what the U.S.Attorney has Admitted, Admitted/Averred as TRUE. They are enough to establish Fraud and Felony on the part of the Defendant, and Oppressive Government Practices. Each of the Exhibits is, thereby, Prima Facie Evidence, and cannot now be questioned, answered nor denied; for, not only are they Prima Facie Evidence, but also Affidavit of Minister...and thus; Theological Judgment.

It is Written that as it was in the days of Noah, so shall it be before Jesus Christ Returns. When will HE return? We are not to know the exact day or the hour; but we are to know the signs. Ezekiel, Daniel, Revelation have spelled out prophecies that are daily, hourly, being fulfilled. Is this the End-Times? Rt.Rev.Dr. Edward Wayland believes it is. This court has been rebuked and has refused to repent. The Plaintiff is not required to harangue and to prove.

He has presented his case, has presented for the court's attention the provisions of Admitted, Admitted/Averred as TRUE.

Defendant has failed to answer, refused to answer..and has fallen back upon bad-faith legalisms..because there is NO WAY that Defendant can answer the charges, complaints and grievances. This

Admitted/Averred

stablishes that Defendant has Admitted, Admitted/Averred as TRUE
verything Plaintiff, Rt.Rev.Dr.Edward Wayland has charged;
nd that includes total loss of jurisdiction/authority past, present
nd future.

_____pro se
forma pauperis
Sovereign Citizen;Preamble.A.9,10
Sovereign Immunity; " " "
Affidavit//Theological Judgment

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing has been made this day of 1982 upon Defendant by depositing a copy hereof in the United States mail postage prepaid, addressed to

John F McAllister
office Dept.Justice
Washington, D.C. 20530

_____pro se
forma pauperis
Sovereign Citizen;Preamble.A.9,10
Sovereign Immunity; " " "
Affidavit//Theological Judgment

ADMITTED; ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

Demand For Evidentiary Hearing and For Proof Any Crime Has Been Committed

by Rt. Rev. Edward Wayland

Comes now the Sovereign Citizen, Sovereign Immunity and herein demands Evidentiary Hearing upon any and all Restraints now impairing his Constitutional, Common Law, Religious Rights. It is further demanded that the government establish that a Crime has been Committed; and prove that such Crime was Committed.

Under the Common Law: in litigation between citizens, the action is Civil...Private-Wrong. There is only one other category: Public-Wrong...criminal...when government is one of the litigants. Thus, regardless of the name, the Sovereign Citizen Sovereign Immunity is truly the DEFENDENT against oppressive government practices when government is a litigant. And, for that reason it becomes most important, most urgent, that Crime is proved; for, punishment without Crime is tyranny. The victim is being punished for being the victim.

The Courts have openly stated that it is better (for whom?) to convict a dozen honest men than to let one guilty go. Guilty of WHAT!?

Amendment 8 clearly states "nor cruel and unusual punishments inflicted". Does this mean that the victim can not be punished without proper Constitutional Safeguards? Under Common Law Public-Wrong all Constitutional/-Procedural Safeguards are a mandate.

Amendment 13 even more clearly states, "Neither slavery nor involuntary servitude, except as PUNISHMENT FOR *CRIME* WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED, shall exist within the United States, or any place subject to their jurisdiction."

There must first be a CRIME.

Then, there must be a PROPER conviction.

And, that conviction can not be cruel nor unusual punishment.

In order that there must be a CRIME,...INTENT...must be proven. It cannot be assumed.

Then, the prosecution MUST produce the victim. Without a victim there can be no CRIME. To belabour "victimless crime" is to depart from governing and to enter the field of moral behavior and control, which is the exclusive function of the Church, not government.

This court, without proof of crime, without Procedural Safeguards has placed restraint upon the Sovereign Citizen Sovereign Immunity without his express permission/consent: illegally, unlawfully, unConstitutionally.

What is a restraint? Injunctive order to prohibit the Sovereign Citizen Sovereign immunity from petitioning for redress of grievance, a Constitutional Right guaranteed by Amendment 1. A Protective Order issued by the court to prohibit the Sovereign Citizen from demanding Answers or Actions that would be detrimental to government. Sometimes Motion in Limine is used as the handcuffs and shackles to prevent the action proceeding in areas considered to be too "sensitive". There are many other forms of restraint...as, for example, court procedures and legalisms that bind the Sovereign Citizen to standards nowhere listed in the Constitution.

At this point it becomes necessary to establish the exact position of the litigants. The Citizen is Sovereign and in total Immunity (Preamble; Amend. 9. 10) to whom the government is under CONTRACT, as *servnat;* and, as servant, is bound by Article 6 to enforce...not INTERPRET...the Constitution of the United States. Thus, the only legitimate function of government is to PROTECT the Sovereign Citizen; and the only legitimate function of the Judiciary is to PROTECT from oppressive government practices. Whom does the restraint of the Sovereign Citizen protect?

Where and how does the restraint arise? Usually the U.S. Attorney, sometimes the court itself, will initiate a motion, or order to be rubber-stamped by the judge explaining in fancy terms why the Sovereign Citizen has suddenly become the mortal enemy of the nation and must be restrained. Sometimes, not even with a hearing, the judge signs and "that is that". Or is it? In a Republic, the individual is supreme and is NOT bound by majority mob-rule democracy. So how can the individual be restrained for the good of a majority that has no legal standing?

Where does the U.S. Attorney, the judge, the court get the jurisdiction and authority? From the Constitution? No. From GOD? Most definitely not. Then...WHERE?

In order to have jurisdiction/-authority of a crime, there must be a crime. Is an Amendment 1 Right to Petition the Government for Redress of Grievance a Crime? Is it a Crime to attempt to enforce Guaranteed Procedural Safeguards? Is it a Crime to stand on Constitutional Rights? Is it a Crime to demand mandated Religious Rights?

Apparently it is, for the U.S.D. Ct., U.S.C.A.1. (Boston) both stated, in writing, that the Constitution of the United States is not valid, binding law. Then what is? Pharasaic legalisms?

However, neither the court nor the U.S. Attorney have proven or justified such a frivolous assumption.

A restraint placed upon one citizen is placed upon all citizens.

What, in effect, the court is saying is:

That the Sovereign Citizen Sovereign Immunity is THE enemy.

That he is not entitled to petition for redress of grievance. Here the servant is exceeding his master: which is prohibited in Scripture.

That he is not entitled to Due Process, Fair Trial, Jury Trial before an honest unbiased judge.

continued on page 7
see Demand

Continued from page 1

*Demand

That he is not entitled to Common Law Rights, Religious, Civil Rights.

That he is not entitled to any Constitutional Rights.

That, although no crime has been proven, he is nonetheless a criminal.

There are, of course, many other denials of justice and access to justice. Yet, it is impossible to cover them all; and only the major contingencies could be listed herein. However, the most important is the change in status wherein the Servant assumes and presumes to exceed his Master, the Sovereign Citizen...a direct violation of the Preamble, Amend. 9, 10...and GOD's Law of Liberty and Justice. So, not only is such an attitude unConstitutional...but it is also blasphemy.

No legal, lawful, Constitutional charge of CRIME has ever been made.

No legal, lawful, Constitutional trial has ever been held upon the notion of CRIME-in-limbo.

Nor has there ever been a legal, lawful, Constitutional charge ever made.

Amendment 17 was never properly issued from Congress, nor Constitutionally ratified. Thus, the functions of a defective-Amend. 17 Senate cannot appoint nor confirm the judges nor the U.S. Attorneys. The U.S. Attorney, thereby, is illegal, unlawful, unConstitutional and has no jurisdiction/authority to even appear in the courtroom. The alleged judge is in the same category. This IS Admitted, Admitted/-Averred as TRUE by the U.S. Attorney...AND...the judge; and is thereby prima facie evidence that the "charge" is fraud and the resultant "order" "restraints", etc., are also fraud without jurisdiction/authority.

Even without defective Amend. 17, when the government Fails-to-Protect, it loses any jurisdiction/-authority it may claim (Am. Jur. 2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer Actions) (Amendment 4!!!)

And, without jurisdiction/authority, such action is Perjury, Felony, Treason, Anarchy, Outlaw. A sanctified version of government lynching; a respectably camouflaged banana-republic.

The kindest thing to be said about the *government of* the United States is that it is improper; and no Christian is required to obey an improper order from an improper government (Nuremberg; Scripture). By subtle deceits the government has attempted to disguise the fact that it is NOT the nation, and is NOT the Constitution; but is truly a separate entity. The United States is one thing. The *government of* is something else...and the twain is rapidly growing further and further apart.

Plaintiff remains a Citizen of the United States...but not of the *government of* the United States until such time as the Article 6 becomes more than a ridiculous, locker room sneer.

For too long the government-of has been masquerading as the United States. It is not. It is a separate entity that has refined the action of slithering into a respectable art form. What could be more absurd? For, slithering remains slithering no matter what fancy name or semantic rhetoric be applied.

Furthermore, no petition before the courts: "U.S.A. v Victim" is lawful, legal, Constitutional or valid. The U.S.A. is not in the action...it is the government-of, and not being listed, thus make the petition a FRAUD. In order to have the petition by the U.S.A.... the ENTIRE U.S.A. must be in that courtroom; and, where Plaintiff has no intention of appearing to prosecute other helpless victims, the petition thus becomes void, and unenforceable, for the entire U.S.A. has not appeared; and thus must be dismissed for failure to prosecute.

Sovereign Citizen Sovereign Immunity has clearly stated his position; and has demanded Evidentiary Hearing and Proof any CRIME has been committed. Under the Common Law Public-Wrong, the BURDEN-OF-PROOF remains upon the government. To date they have timely failed to prove; and thus have Admitted, Admitted/Averred as TRUE there is no crime, none has been committed and that no restraints...of any kind...can be pilloried upon the victim.

Thereby, Sovereign Citizen Sovereign Immunity disclaims any and all alleged jurisdiction/-authority for violation of Constitutional Rights' and revokes "consent of governed" (Declaration of Independence).

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pro se
forma pauperis
Sovereign Citizen; Preamble A.9, 10
Sovereign Immunity; Preamble A. 9, 10
Affidavit/Theological Judgment

7 x 15c stamps

8 Central St.
Wilmington, Mass.
August 25, 1978

IRR, treas.dept.
Federal Bldg
Lowell, Mass.

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE
re: 1977 tax return.

Just about noon-time, a man representing himself as a Treasury Agent, terrorized my daughter, and attempted to intimidate me. He stated that my 77 tax return had not been accepted; which I corrected in that the Federal Courts have ruled that is a tax return. H didn't arrogantly give a damn about the Federal Courts, and kept demanding that I file a new tax return with him right then and there. I did not refuse.....butpointed out the 1977 matter was in the Federal Courts for claim for refund. I offered to get him the CA No. but he didn't want it. He rushed off before I could get his name and address.

Thename and address is here-in demanded.....as possible collusion and conspiracy arising directly or indirectly from filing Civil Rights suits against several IRS agents, etc.

However, now that this matter has been brought to my attention, I do not remember whether I enclosed supporting evidence to the 1977 1040 filed, and herein enclose copies to be ADDED TO THE 1040 filed for 1977, and for ALL YEARS BEFORE AND SINCE until such time as thel U.S.Government decides to give back Art 1 810, etc.

I, Edward Wayland, herein charge that thel United States Government has failed to protect me, has denied my Constitutional Rights, and such other usurpations as are not listed are not waived.

Edward Wayland pro se
forma pauperis

Edward Wayland
8 Central St.
Wilmington, Mass.

21 page Tax Support enclosure

Regional Director, IRS

Region of _____ PRIMA FACIE EVIDENCE

or

Director, IRS
For the State of _____

Dear Mr. or Madam Director:

We stated on our return, and we repeat the offer now: we are willing to re-file the return, or to amend it, to exactly as you wish, if you or your employees will please show us how we can do it without waiving our 1st, 4th, 5th, 7th, 8th, 9th, 10th, 13th, 14th and 16th Amendment Rights — as well as provisions in the body of the Constitution. Some of these provisions include the clause about revenues from taxation having to be "uniform." We cannot understand how huge foundations and banks are tax-free, while the more we earn the higher is our tax. We also read that scores of millionaires pay no taxes, while we working people are asked to pay their share.

The Constitution represents an inspired document for us: we cherish the liberties and rights which it protects for us. Since you and your fellow workers and employees have by law been required to swear to uphold the Constitution, we feel you have sworn to uphold our Rights under that Constitution. We believe that you agree with us, that nothing you would do would attempt to force us to give up those rights of ours, under the Constitution, which you have sworn to uphold.

Please tell us how we can fill out the return in the traditional and orthodox fashion without waiving our right of privacy under the 4th Amendment. Also, how we can avoid an unreasonable search without warrant and probable cause — it appears to us that to be forced to give some of the information demanded on the tax return submits us — actually, to a search — a search of our papers, effects, and of our minds — all without the required warrants based on oath of probable cause and specified particularity — all demanded by our understanding of the 4th Amendment.

Also, please tell us how we can fill out the return, giving the information requested, without waiving our right not to be a witness against ourselves — said right being ours under our understanding of the 5th Amendment. We have heard that our forefathers were so weary of being harrassed and even tortured by the government, that they put the right against self-incrimination in the Constitution to protect good law-abiding citizens even more than for the true criminal. They apparently had long experience with conspiracy within government, wherein by pressures and intimidation — and even by physical torture, good citizens could be convicted because of government's forcing them to be witnesses against themselves.

We have become very concerned about what the IRS could do to us for filling out an innocent, complete, forthright 1040 form. We hear that W. Vaughn Ellsworth, of Mesa, Arizona was convicted of knowingly making a false tax return after his professional accountant swore that he had complete access to and complete disclosure of all financial transactions needed to make Ellsworth's 1968 tax return, that the return was and still does represent the accountant's best ability to make a correct return, that if any error existed in said return, that it was the responsibility of the accountant, rather than that of Mr. Ellsworth. The government admitted that every "dollar" had been banked, that that they had no charge that any income had been concealed, and they had no doubts as to the honesty of the accountant. But with their unlimited resources they were able to convict Mr. Ellsworth because they were out to get him because he had publicly criticized practices of the IRS which he claimed were unconstitutional.

Enclosed are the affidavits of 22 persons who witnessed Mr. Ellsworth's trial at Phoenix in September and October 1975. The affidavits state that after seeing evidence and hearing testimony that they became convinced that any honest tax return could be challenged by IRS and a conviction obtained for making a false return in most cases if the government wanted the conviction badly enough.

In our tax return, we therefore claimed the 5th Amendment in answer to specific questions, as the Supreme Court, by a vote of 8 — 0 in the Garner v US case, said that we had a right to do. This case upheld an earlier 9th Circuit decision which was referred to in our tax return. The case was Supreme Court No. 74-100, decided March 23, 1976 — and without a dissenting vote by any Supreme Court Justice.

The decision states that a taxpayer can claim the 5th Amendment on a tax return. It also states that even if the right against self-incrimination is claimed erroneously, it could not be proper grounds for a conviction of "willful failure to file."

We have studied what we believe to be the definition of a "dollar." So far as we can find out, the present "dollar" is defined under 31 USC 449 as 1/42.22 of an ounce of fine gold, and that under Section 314 all other coins and currencies must be at a parity thereto. So far as we can find out a standard silver dollar is still 412.5 grains of standard silver. We feel that we did not earn any of those in recent years, nor anything having a "parity" thereto, since we now understand that the government says it will refuse to redeem anything in silver or gold coin — which we thought that the Constitution demanded.

We are also confused as to the meaning of "statutory dollar," Federal Reserve Notes — and their "parity" when they are not redeemable. We have been told that a Federal Reserve Note is an account receivable until it is paid, and that an account receivable does not have to be reported as "gross income" on a cash-basis return. We have also been told that a "bad-debt" is not "income" and that since no one will redeem a Federal Reserve Note, we have not had any dollar income. That unless we make 750 gold or silver dollars, or their equivalent, that we are not required to file. We have chosen to file under protest and to explain our fear of having honest information, because of confusion as to "legal tender," "lawful money," "parity," "gross income," "accounts receivable," etc. — of having honest information involving such terms being twisted into possible incrimination. Please see the attached affidavits related to these matters.

It is claimed that the government recently prosecuted a taxpayer for claiming too much income. They claimed he made a knowing false statement. While Secretary of the Treasury a few years ago, John Connally stated that 93% of professionally prepared tax returns in the Southeast region of the U.S. were "fraudulent." Such statements make me fearful and reluctant to fill out a return as you ask for it because of your power to call everything "wrong."

Because we have been told that it is a crime not to keep records, and because information from inadequate records could never be perfect, we are afraid to put such information on a tax return and then swear under penalties of perjury that such information is "true, correct and complete." To us, "true, correct and complete" means "perfect." We could not sign such a return without knowing in our hearts that such a return was imperfect. Since under 7206 of the Internal Revenue Code, a knowing misstatement is punishable by three years imprisonment, we, because of the confusion, the state of records, and what we hear the IRS did to Mr. Ellsworth for making a good faith tax return — we are afraid to do other than what the Supreme Court says we can do in the Garner case — take the 5th Amendment on our tax return.

We have not been offered federal and state immunity against criminal prosecution. We are afraid to make the slightest factual error on a return after hearing what was done to Mr. Ellsworth.

We therefore close by again offering to re-file, or to amend our return, if you will please show us how to do so without forcing us to waive our Constitutional Rights, and to receive your written guarantee against any criminal prosecution — both federal, state and local — as the result of furnishing you the information you seek.

Unless we hear from you within 10 days we shall assume you are unable to show us how to fill out the return without the violation of our Rights — and that you refuse to offer us the protection against any criminal prosecution resulting from the compelled testimony or information which you seek.

Yours very truly,_____

ADMITTED, ADMITTED/AVERRED AS TRUE

AFFIDAVIT OF MY UNDERSTANDING OF A UNITED STATES "DOLLAR"

PRIMA FACIE EVIDENCE

State of _____ }
County of _____ } SS

I, _____, of _____
being first duly sworn, state and depose as follows:

1. *My study indicates* that under Title 26 United States Code, Section 6012, *that I am not a person required to file a tax return unless I had a gross income in excess of seven hundred and fifty dollars ($750) in one calendar year.*

2. *My study indicates that there is considerable confusion as to what is a "dollar," and* that it is not necessarily the same thing as "lawful money" or "legal tender," and that a Federal Reserve Note cannot be redeemed in either silver "standard" dollars, or "gold-dollars."

3. *It is my understanding that* Coinage Acts of Congress, starting in 1792, established that the "Standard" dollar of the United States is coined at 416 grains of standard silver, and that Congress later declared that when that dollar wore down to 409 grains it should be removed from circulation, since it no longer represented a full dollar — and that *412.5 grains represented the median, or "Standard" dollar* in which the moneys of account of the U.S. should thereafter be maintained — and that such a standard should be binding in the Courts of the United States.

4. I cannot find that the content of the "Standard" silver dollar has ever been changed, although it says in 31 USC 821 that the President can change it to whatever he thinks it should be. Although it doesn't seem to me that he should have any such power, it seems that Congress has delegated it to him; but I don't find that he has used it.

5. I understand that 31 USC 314 demands that the Secretary of the Treasury must maintain a parity of all United States currencies and coins in relation to a "gold-dollar," and that the latest definition of a gold-dollar is in 31 USC 449, wherein it states that the "new par value of the dollar of $1 equals 0.8289848 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold." I don't find where he has done this, or that a Federal Reserve Note has a true "parity" to gold — since it is not redeemable.

6. To the best of my knowledge, information and belief, I have not earned any of this kind of "gold-dollars" or anything I know of which is in a parity thereto, or redeemable in some parity thereto. And I know that I have not received any "silver dollars" as defined in paragraph 3 above, and haven't for many years.

7. My study indicates that Federal Reserve Notes say they are "legal tender" for all debts, public and private, but to the best of my ability to understand, although the 13 original states gave power to Congress to coin money, and to regulate the value thereof (Article I, Section 8) *the states retained for themselves the right to declare legal tender, and were restricted by Article I, Section 10 to only coins of silver or gold.* I therefor am puzzled as to how there can be legal tender for debts which are notes of a bank which is claimed to be privately owned — and whose notes are not redeemable — suggesting that they are "accounts receivable" — which cannot be "received," or paid, because there is no longer any promise to redeem them.

8. I understand that "accounts receivable" are not reportable as income by a cash-basis taxpayer. I also understand that "bad-debts" are not "income" and that Federal Reserve Notes are either "promises" to pay dollars or "not-promises" to pay dollars. In either case I don't think that they are "gross-income" until I can get them redeemed.

9. I understand "legal tender for debt" is different than "legal tender for the *payment* of debt" and that notes and checks are not money unless redeemable.

10. I admit that these terms confuse me, and that I am not sure what the current statutory definition of a "dollar" is — and I don't know how to find it in the Internal Revenue Code, and have been told that if I inspect the code from cover to cover that I can never find the definition of a "dollar" there.

11. Therefore, I am really afraid of putting down figures on a 1040 Form, because the government could claim I'd made a "false statement." *I do not understand the 1040 Form nor the law as it applies to me relating to "dollars."*

_____

Before me, a Notary Public, did appear _____, and being first duly sworn, did sign the foregoing Affidavit on this ____ day of _____, 1976.

_____
NOTARY PUBLIC

PRIMA FACIE EVIDENCE

AFFIDAVIT

STATE OF _____)
) ss
COUNTY OF _____)

I, _____, of _____,
being first duly sworn, state and depose as follows:

1. I have heard or read about the conviction of W. VAUGHN ELLSWORTH for the "filing of a false return" for 1968; to the best of my knowledge the government was able to twist good-faith and innocent information on the return into a criminal conviction even though Mr. Ellsworth's accountant testified that he had full access to and complete disclosure of Mr. Ellsworth's financial transactions needed to make his tax return.

2. It is my understanding that Mr. Ellsworth's accountant, in Case No. 75-126 held in US District Court in Phoenix, Arizona between the dates of September 26 and October 2, 1975, swore that he was unaware of any mistake in Mr. Ellsworth's tax return, but that if there were such that the accountant was responsible and that Mr. Ellsworth was not.

3. Because of the reported conviction of Mr. Ellsworth for filing a "knowing false return" while believing it honest, and while his accountant believed it to be honest, I am afraid to fill out my own 1040 in the orthodox fashion for fear that my innocent, honest and good faith information can be twisted against me and used by an all-powerful government to attempt to incriminate me; I therefore am compelled to use the Fifth Amendment to protect myself from what I consider to be criminal government.

4. I am confused about the meaning of "gross income," of "dollars," of "silver dollars," of "gold dollars," of "lawful money," of "legal tender," of "accounts receivable of Federal Reserve Notes which no one will apparently redeem." I understand that a Federal Reserve Note amounts to an account receivable and that an account receivable is not reportable as "income" on a cash basis tax return.

5. The 1040 Form asks that it be signed under penalties of perjury that the return is "true, correct and complete," which apparently means "perfect." I am afraid I cannot make a "perfect" return, since I have heard that IRS agents boast that they can find something wrong with any return.

6. It is my understanding that the US Supreme Court in Case No. 74-100, Garner v US, March 23, 1976, has affirmed a taxpayer's right to claim the 5th Amendment on a tax return. I therefore feel I must do so to protect myself against misrepresentation by government.

_____

Before me, a Notary Public, did appear _____, and being first duly sworn, did sign the foregoing Affidavit on this _____ day of _____, 1976.

_____
NOTARY PUBLIC

ADMITTED, ADMITTED/AVERRED AS TRUE

AFFIDAVIT

PRIMA FACIE EVIDENCE

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss

I, W. VAUGHN ELLSWORTH, being first duly sworn, state and depose as follows.

1. I filed as completely honest a tax return as I knew how for the year 1968.

2. That return was prepared by a professional accountant who had complete disclosure of and access to all my financial transactions, and who truthfully swore he was completely unaware of any mistake in said return, but that if there were one that it was his own responsibility.

3. IRS never dared claim I concealed any income, that I did not bank every cent and turn over all records to said accountant; they also admitted they had absolutely no suspicion of any dishonorableness on his part.

4. Despite this they were able to convict me of "knowingly" making a false return. I swear that I did not.

5. To me this proves that the government can convict you of making a false return even though it be absolutely honest.

6. I can never trust this government again because of the crime they have committed in my case; I cannot recommend that anyone fill out information on a 1040 Form as commanded by the US Government, because from first-hand experience I know they can claim a false return from the most honest of information.

W. Vaughn Ellsworth

W. VAUGHN ELLSWORTH
1051 North Grand
Mesa, Arizona 85201

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS 19 DAY OF FEBRUARY, 1974.

Lee W. Reeve

NOTARY PUBLIC

My commission expires 1977

ADMITTED. ADMITTED/AVERRED AS TRUE

AFFIDAVIT OF WITNESSES OF TRIAL OF W. VAUGHN ELLSWORTH

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss PRI.'A FACIE EVIDENCE

I, the undersigned, being first duly sworn, state and depose as follows:

1. I witnessed all or part of the trial of W. VAUGHN ELLSWORTH, Case No. 75-126 PHX CAM held in US District Court before Judge Carl A. Muecke between September 26 and October 2, 1975.

2. From my observations at the trial and from the testimony given, I became convinced that Mr. Ellsworth had given his accountant of many years standing, complete access to and full disclosure of all of Mr. Ellsworth's financial transactions needed for the accountant to make Mr. Ellsworth's tax return for 1968.

3. I know that the accountant said he believed he had made a proper return, and that it was not questioned until years later; he said that if there were any mistakes in it that they should be charged to him and not to Mr. Ellsworth, and that he, the accountant, assumed full responsibility for any possible error.

4. My observations at Mr. Ellsworth's trial convinced me that although he made what he considered was an honest tax return, and although the accountant made what he considered was a complete and honest tax return, that years later, because of Mr. Ellsworth's outspoken criticism of the Internal Revenue Service, the government was able to convict him of making a "knowing false return for 1968".

5. Because of what I witnessed, I believe that innocent and honest information given by almost any taxpayer can be twisted and slanted by a powerful IRS to make it appear "suspect"; I therefore believe that questions on a 1040 Form are not necessarily "innocent" or "innocuous", but can be made easily into deliberate "entrapment" questions even when answered honestly and forthrightly.

Date signed April 17, 1976 — Date signed April 17, '76 — Date signed April 17, 1976

Date signed 4-17-76 — Date signed — Date signed 4-17-76

Date signed 4-17-76 — Date signed — Date signed

Date signed — Date signed 4-18-76 — Date signed 4-18-76

Date signed — Date signed 4-18-76 — Date signed 4-18-76

Date signed 4/17/76 — Date signed 4-18-76 — Date signed 4-18-76

Date signed 4/17/76 — Date signed 4-18-76 — Date signed 4-18-76

Date signed 4/17/76 — Date signed — Date signed 4-18-76

BEFORE ME, A NOTARY PUBLIC, APPEARED THE FOREGOING [illegible], WHO FIRST DULY SWORN, DID SIGN THE ABOVE AFFIDAVIT IN MY PRESENCE ON THE DATES AFFIXED TO THEIR SIGNATURES.

My commission expires My Commission Expires Dec. 23, 1978

NOTARY PUBLIC

TAX RETURN APPENDIX OF STATEMENTS AND EXHIBITS PRIMA FACIE EVIDENCE
TO ACCOMPANY PRECEEDING 1040 FORM, LETTER AND AFFIDAVITS

I here wish to apprise you of some of the reasons I have proceeded as I have:

> The legal right of a taxpayer to decrease the amount of what otherwise would be his taxes, or altogether avoid them, by means which the law permits, cannot be doubted."
> *Gregory v Helvering*, 293 US 465.

In this regard, I must point out that the law which is supreme is the Constitution. The law, or the Constitution, restricts Congress' power to tax to the following: "pay the debts and provide for the common defense and general welfare of the United States;"

Nowhere is there any provision in the Constitution, or is it implied in "providing for the common defense and general welfare of the United States" that I shall be taxed to study the mating calls of Central American frogs or to study the odor of the sweat of the aboriginies of Australia. (See attached Exhibit 1).

Don't you agree, sir, that any congressman foolish enough to vote for that should have to go out on to the firing line and attempt to collect funds for such nonsense from the taxpayers themselves? I imagine it truly embarrasses some of your personnel when they have to try and collect funds for such 'on their face' unconstitutional purposes.

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I hope you agree with me that it would be better for those who transgressed the law in the first place—the congressmen who so voted—to attempt to collect the unlawful tax rather than to have personnel of your office violate their oaths to support and uphold the Constitution by attempting such unlawful collections.

If, as stated in the *Gregory* case, above, I am entitled to decrease my taxes or to avoid them altogether if the law permits, then wouldn't you admit that a person properly uses the Constitution to accomplish such end? Especially to avoid paying unwarranted interest to the international bankers who unlawfully control the money cartel in this country, the hidden owners of the Federal Reserve System?

I wish to make it clear that I offer to fill out a 1040 form, to amend these returns, and to make them exactly like you and your IRS personnel desire them, providing that you, or any lawyers, or any judges, can show me how I can do so without waiving or violating my *Constitutional* rights.

I am aware that the Internal Revenue Service proudly proclaims that the income taxation of the United States is a "voluntary" system. I would like you to clarify what the term "voluntary" means. I always thought that it meant willingly, of one's free choice and decision. However, since there are criminal sanctions imposed for failing to "volunteer" in filling out 1040 forms, what the IRS is apparently doing is saying that "Unless you volunteer you are going to jail." Is that really what you mean?

It has come to my attention that when your Bureau does bring charges against one for filling out a return in a fashion which you do not approve of, that you can charge a person with "willful failure to file" under 26 USC 7203.

In this regard, I have given some thought to the US Supreme Court case of *US v Bishop*, 412 US 346 (1973) which states:

> *"The requirement of an offence committed WILLFULLY is not met, therefore, IF A TAXPAYER HAS RELIED IN GOOD FAITH UPON A PRIOR* DECISION OF THIS COURT". (Emphasis added).

I would like to point out some decisions, mostly of the Supreme Court, which I have relied upon.

> "All laws which are repugnant to the Constitution are null and void." Chief Justice Marshall, *Marbury v Madison*, 5 US (1 Cranch) 137, 174, 176 (1803)

Another decision of the Supreme Court which I have relied upon is:

> "We find it intolerable that one constitutional right should have to be surrendered in order to assert another, *Simmons v US*, 390 US 389 (1968)"

In this regard, I have under the 1st Amendment, the right to freedom of speech, WHICH INCLUDES THE RIGHT "NOT TO SPEAK". If I am compelled, against my will, to fill out a 1040 form as another wishes it, then it is true, is it not, that I am being compelled to speak on paper?

Under the 1st Amendment I have the right to practice my religious principles and to be true to my conscience so long as I do not trespass another's rights in so doing. It violates my religious convictions to be compelled to uphold unequal taxation, and to finance the socialist and communist ideologies which I know to be a threat to my religious rights.

Under the Fourth Amendment I am guaranteed the right of privacy. If I am compelled by legislation to give up that privacy by being compelled, against my will, to fill out a 1040 form as another wishes, then someone has forced me to waive my right of privacy, correct? And they have done so by pretending to pass a "law" which anyone can see is repugnant to the Constitution. Such a law is null and void, according to the Supreme Court decision in *Marbury v Madison*, cited above.

Of course we all know that the Constitution can be changed by Amendment, but we also know that there has never been an Amendment doing away with the Fourth Amendment. Therefore, we all can surely see that any law pretending to force the waiving of the right of privacy has to be null and void until such time as a proper new Amendment nullifies the right of privacy.

Going back to the Simmons case, decided by the Supreme Court, I cannot be compelled to surrender my Fourth Amendment right of privacy in order to claim, let us say, the Ninth Amendment right to be let alone by government so long as I do not trespass another's rights.

Taking the Fourth Amendment a little further, it guarantees my rights against unreasonable search. Filling out a 1040 form as the IRS apparently wishes it, would certainly be submitting to a search. Under the Fourth Amendment, before one can be searched a warrant based on sworn testimony giving probable cause that a crime has been committed, and particularly describing things to be searched, must issue. The IRS expects its searching via 1040 forms to bypass this Constitutional safeguard, and apparently expects the taxpayer to waive his right against unreasonable search as he spills out all his private and sacred affairs on your form.

The Fifth Amendment protects me against being a witness against myself. If I fill out a 1040 form as you wish it, it apparently becomes a "confession sheet". The government insists that all true criminals be given "Miranda warnings," advising them that where government is concerned they have no need to speak against their will. Not being compelled to speak against one's self is of little value if one can be compelled to reduce to writing against one's self that which he could not be compelled to speak.

The 5th Amendment also prevents the government from taking my private property (including money) for public use without just compensation. A dose of socialism and compulsory financing of my own destruction is not "just compensation" for taking my private property.

Under the Seventh Amendment of the Constitution of the United States no one can be proceeded against in any civil case where the amount in controversy exceeds $20 unless he has the protection of a trial by jury. This means that a 1040 form involving that amount or more cannot be compelled at the hands of a taxpayer without the concurrence of a jury of one's peers. How can anyone read any other meaning into the clear language of the Seventh Amendment?

It is cruel, harsh, and unusual punishment for me to be compelled to give up my privacy, be a witness against myself, give up a jury trial, be a reporter and informant against myself, and be a tax collector for the government. I am protected against these things by the Eighth Amendment.

Under the Ninth and Tenth Amendments, I reserve every right and power I have not surrendered up to government. I have never surrendered the right not to be compelled to contribute to my own destruction. I have never given up the right not to be compelled to support that which I despise, and that which I consider to be wicked corruption of government. I have no obligation under these amendments to support Marxism, which is an enemy of everything I hold dear—family, religion and country. Many people know that the graduated income tax is the number two plank of the Communist Manifesto—designed to betray and debauch a free country such as the United States, bringing it down into Communism.

Under the Thirteenth Amendment, I am protected against involuntary servitude. When I am forced, under threat of criminal prosecution if I decline, to be a record keeper, reporter, informant and tax collector, then I surely am being compelled to give up my Thirteenth Amendment right against involuntary servitude.

In *US v Sullivan*, 274 US 259 at 263:

> "... If the form of the return provided called for answers that the Defendant was privileged from making, he could have raised the objection in the return, but could not on that account, refuse to make any return at all..."

This would indicate that I could assert all of my Constitutional objections to the Internal Revenue Code in my returns. This is what I am here doing.

I have tried to list some of my objections. If I object to answering some, or all of the questions on my tax returns because of my Fifth Amendment right against self-incrimination, or the right not to be a witness against myself, then *I alone*, according to the following Eighth Circuit Court of Appeals case, *can and must be the judge of the correctness of such a claim.*

> "...He must be the sole judge of what his answer would be. The Court cannot participate with him in this judgment because they cannot decide on the effect of his answer without knowing what it would be; and a disclosure of that fact to the judges, would strip him of the privilege which the law allows, and which he claims. *Isaacs v US*, 256 F 2d 654 (1958)

and which case, *Isaacs*, in turn cites *Empak v US*, 349 US 190;

> "...Whether such admissions by themselves would support a conviction under a criminal statute is immaterial and that the privilege also extends to admission that may only *lead* to incriminate."

And, considering judicial review of information sought by the government:

> "This 'willful' qualification *fully protects* one whose refusal is made in good faith and upon grounds which entitle him to the judgment of the court before obedience is compelled. *Federal Power Commissions v Metropolitan Edison Co.*, 304 US 375."

Gentlemen, I would like to ask you how you can justify bringing criminal charges against a person who exercises his Constitutional rights in making his tax returns, in view of the following:

> "...to penalize the failure to give a statement which is self-incriminatory, is beyond the power of Congress." *US v Lombardo*, 228 F 980."

and,

> "The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v US*, 230 F 486 at 489.

and in *Miranda v Arizona*, 380 US 436 (1966)

> "Where fundamental rights under the Constitution are involved there can be no rule-making or legislation which can abrogate them."

In *Sherar v Cullen*, 481 F 2d 946 (1972), the Ninth Circuit emphasized that:

> "... there be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."

Some other cases which I have read parts of or have heard about, and upon which I also rely, include:

Boyd v US, 116 US 616 (1885); *Hill v Philpott*, 445 F 2d 144; *Julliard v Greenman*, 110 US 421; *Kansan v Colorado*, 206 US 46 (1907); *Reisman v Caplin*, 375 US 440 (1964); *US v Murdock*, 290 US 389 (1933); *US v Turkowski*, 305 F Supp 112 (1969)

One of the important cases which I rely upon, to show that in any trial a jury is entitled to decide law as well as fact is the famous libel case of Peter Zenger. But probably the most famous case I rely on in this regard is the case of *Georgia v Brailsford*, 3 Dall. 1. (1794).

This case occurred seven years after the writing of the Constitution and three years after the ratification of the Bill of Rights, wherein guarantee of jury trial under the Sixth and Seventh Amendments was clarified.

In this case, Chief Justice Jay, and Associate Justices and former delegates to the Constitutional Convention, Wilson, Blair, and Patterson, and Cushing, who had been Chief Justice of Massachusetts where the opinion in each case was delivered by the jury rather than by the court, united in a charge to a jury in the first jury case under original jurisdiction which was tried by the US Supreme Court.

The Chief Justice, speaking for all of the justices, charged the jury with deciding the "law of the land" which arose from the facts of the case about which there was no dispute.

The taxpayer here recognizes that many so-called laws cannot be maintained and upheld when the jury again realizes its true function—that of deciding whether laws are too harsh or unjust, or whether in a given case, because of the circumstances, they should or should not be applied.

This taxpayer has confidence that a jury which realizes it must render justice and support the Constitution, rather than to support a possible false instruction by a judge who may have violated his oath to support the Constitution, can well decide whether or not the taxpayer's returns comply with the 1st, 4th, 5th, 7th, 8th, 10th, 13th, and 14th Amendments, for example.

A very serious matter is the provision of Section 2 of the Fourteenth Amendment. Making adjustments for Indians, women who now vote, and eighteen year olds who now vote, Section 2 in essence says:

> Representatives (Congressional) shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State...*But when the right to vote at any election for the choice of...judicial officers of a State...is denied to any of the inhabitants of such State*, being eighteen years of age, and citizens of the United States, OR IN ANY WAY ABRIDGED...THE BASIS OF REPRESENTATION THEREIN SHALL BE REDUCED IN THE PROPORTION WHICH THE NUMBER OF SUCH CITIZENS SHALL BEAR TO THE WHOLE NUMBER OF CITIZENS EIGHTEEN YEARS OF AGE IN SUCH STATE. (Emphasis and modification added).

All states require "license" to "practice law" or membership in a Bar, or admission to practice law before the highest court of the State, or other limitation to those who are nominated or elected for judgeships. Some States have a governor-appointed committee nominate candidates from which a governor appoints some to judgeships. THE PEOPLE, THEN, ARE RESTRICTED OR ABRIDGED IN THEIR RIGHT TO VOTE AT AN ELECTION FOR THE "CHOICE... OF JUDICIAL OFFICERS OF A STATE." In States where judges are appointed, the people are usually restricted in elections to voting, in effect: "Should Judge 'Bar-favorite', or 'Governor-

favorite', be continued in office?" If the majority of the people vote that said judge should not be continued in office, the governor usually appoints another from the "approved" list.

There is absolutely no way to get around the fact that this constitutes a denial, a restriction, an abridgement—on the people's right to choose, the people's right to nominate, and the people's right to vote for a judge of their choice in an election for the judicial officers of the State.

Even further, municipalities are subdivisions of a State. In many cities a city council appoints the magistrates or judges and the people never have a right to vote for such judicial officers of the State.

These practices "abridge" the right to vote for judicial officers of the State. They abridge the right to so vote of ALL who are citizens of the United States and over eighteen years of age and otherwise qualified to vote in their own State. THE ABRIDGMENT OF THE RIGHT OF "ALL" OF THOSE OVER EIGHTEEN, means that the proportion they bear to the rest of the inhabitants of the State is approximately 100%—OR, ALL TO ALL!

Therefore, all such states qualifying or "restricting" or "abridging" the free right to nominate *any candidate* for judge and to freely vote for *any candidate* for judge, must lose their representation in Congress by that proportion in which they abridge the right to vote of otherwise eligible voters—the proportion *that* bears to the whole number of inhabitants of the state over eighteen.

In effect, this means that most states, possibly all, have actually lost their representation, or most of it, in the House of Representatives in Congress, effective with the passing of the Fourteenth Amendment, whenever they have gone to appointed judges and very restricted nominations of the same.

This means that many Congressmen now serving are doing so unlawfully, and that votes they have cast over the past 100 years are subject to challenge and recapitulation.

This means, that very likely the 16th. Amendment—the Income Tax Amendment—was never properly passed by Congress, since there was in effect an illegal House of Representatives—as there still is.

This means that the Federal Reserve Act and the passing and ratification of the Income Tax Amendment are probably null and void. If the States have lost their representation in Congress, it means that again we have "taxation without representation", which justified active revolution against the Crown of England by our inspired Founding Fathers.

FOR ALL OF THE FOREGOING REASONS, plus the fact that I have not received enough "Statutory dollars" —, as I understand the term, to even be required to file a tax return, I feel that the returns I have submitted far exceed my obligations under the law.

You can see from the foregoing that there are many Americans who feel that the Graduated Income Tax based on irredeemable 'money' is a violation of their Constitutional rights.

This sentiment is sometimes shared by the courts; judges often differ in different jurisdictions as to how to interpret tax laws. The different circuits of the appeal courts often differ on such matters.

As you know, the Supreme Court of the United States often divides 5-4, 6-3, 7-2, and so forth, on tax matters.

It is interesting to note in this regard the ruling of a Federal District Court in Pennsylvania—that those of the "Friends"—Quakers, who conscientiously opposed the war in VietNam could avoid the withholding tax on their salaries, proportionate to the amount of expenditures going for the war!

It is also very important to note that the Supreme Court of Pennsylvania struck down as *unconstitutional* the graduated income tax for that State, which was copied after the United States Internal Revenue Code. It amounted to unequal taxation under the law to different persons and groups.

It is also very interesting to know that persons who have deliberately taken the same problem to different IRS offices for assistance have received different answers at each office.

In conclusion, again let me say, I do not refuse to pay any valid Constitutional tax; I offer to change my return and my past returns and to make them as you wish whenever you show me how I can do so without waiving my Constitutional rights.

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

HOW CONGRESS SPENDS TAXES

Virginia Polytechnic Institute received a $19,600 grant for development of a "genetic stock center" for German cockroaches. This grant was to supplement an earlier funding of $17,000. Officials say the grant will enable the "preservation of 55 mutant types of the German cockroach."

The Interior Department has estimated that the occupation of Wounded Knee, South Dakota by the revolutionary American Indian Movement (A.I.M.) cost us taxpayers between $5 and $7 million.

The following are only a part of the more wasteful, ridiculous programs and the amount of tax dollars they cost:

$5,000 for investigation of the diving behavior of seals.
$20,324 for study of the mating calls of Central American frogs.
$20,000 in research on the blood groups of Polish Zlotnika pigs.
$70,000 to learn about the smell of perspiration given off by the Australian aborigines.
$17,000 on a dry cleaning plant so that the Bedouins can have clean djellabas.
$32,459 to the officials of Kenya for the purchase of extra wives.
$5,000 award for a poem entitled: "lighght."
$28,361 to Turkey for an odor-measuring machine.
$2 million to Marshal Tito for his purchase of a yacht.
$203,979 to Travelers Aid to help migrants lost on the Los Angeles freeways.
$5,000 to complete an experimental analysis of violin varnish.

$50,000 toward the documentation of the Weltanschauung of the Gaujiro Indians of Columbia.

$22,000 to the University of Arkansas for not planting rice.
$19,000 to Libby McNeil for not planting rice.
$14,000 to the Ford Motor Co. for not planting wheat.
$19,300 to study why children fall off tricycles.
$375,000 to study the frisbee.
$50,000 to study wild sheep and goats in Pakistan.

$59,000 annually for upkeep on government's cache of 3 million pounds of feathers. *(Count Down* thinks this last item is symbolic of the fact that our top-heavy bureaucratic government has picked us chickens clean!)

ACCEPTED AS TRUE
PRIMA FACIE EVIDENCE

Foreign Aid: Who Got It?

Editorial Director Dick West has received several requests recently to publish a summation of U.S. foreign aid—specifically, in his words, "who got it—and how much."

Getting hold of this data isn't easy, but Congressman Otto E. Passman of Louisiana came to the rescue. He is chairman of the Foreign Operations Subcommittee on Appropriations, U.S. House of Representatives.

The table below is our government's "net foreign assistance" as of July 1, 1971, to 127 countries of the world. The total, counting interest "on what we borrowed to give away," to use Passman's words, is $212,880,797,000.

There are 68,000 employes throughout the world on the payroll of our foreign-aid program. Involved are 4,416 projects. "Not a single foreign-aid project has ever been stopped or slowed down for lack of funds," Passman disclosed.

"This freewheeling spending program has helped push the U.S. public debt to a figure of $87 billion above the combined public debt of all the other nations of the world."

Along the same line, this statement was made recently: "If you had begun spending $1,000 every hour before the birth of Christ, by now you would not have spent one fifth of what the federal government will spend this year."

The foreign-aid table is below. The last item, W/W, Regional, includes "worldwide" and regional programs entered into jointly by groups of countries —apart from individualized foreign assistance.

Afghanistan	$ 373,800,000	Haiti	$ 217,200,000	Portugal	$ 432,900,000
Albania	20,400,000	Honduras	122,800,000	Romania	10,000,000
Algeria	176,100,000	Hungary	13,300,000	Rwanda	8,000,000
Argentina	341,100,000	Iceland	59,800,000	Saudi Arabia	178,900,000
Australia	594,400,000	India	8,003,600,000	Senegal	40,100,000
Austria	1,218,400,000	Indochina	3,535,200,000	Sierre Leone	44,100,000
Barbados	700,000	Indonesia	1,343,800,000	Singapore	31,300,000
Belgium-Luxem.	1,742,200,000	Iran	1,945,700,000	Somalia	78,300,000
Bolivia	532,000,000	Iraq	90,600,000	South Africa, Rep.	33,300,000
Botswana	19,100,000	Ireland	305,700,000	Southern Yemen	200,000
Brazil	2,738,200,000	Israel	892,000,000	Spain	2,028,400,000
Burundi	7,800,000	Italy	5,528,500,000	Sudan	91,000,000
Burma	158,600,000	Ivory Coast	80,000,000	Swaziland	4,800,000
Cambodia	613,700,000	Jamaica	62,400,000	Sweden	135,500,000
Cameroon	33,500,000	Japan	3,419,900,000	Switzerland	45,300,000
Canada	46,500,000	Jordan	710,000,000	Syrian Arab Repr	55,700,000
Cen. Africa Rep.	5,600,000	Kenya	77,100,000	Tanzania	73,400,000
Ceylon	178,600,000	Korea	10,059,500,000	Thailand	1,587,400,000
Chad	9,800,000	Kuwait	29,500,000	Togo	17,300,000
Chile	1,281,800,000	Laos	1,449,500,000	Trinidad & Tobago	49,700,000
China, Rep. of	5,006,500,000	Lebanon	98,000,000	Tunisia	689,400,000
Colombia	1,119,400,000	Lesotho	12,100,000	Turkey	3,840,500,000
Congo (B)	4,000,000	Liberia	217,100,000	Uganda	42,500,000
Congo (K)	456,000,000	Libya	221,600,000	United Arab Rep.	759,000,000
Costa Rica	188,200,000	Malagasy Rep.	14,100,000	United Kingdom	7,209,100,000
Cuba	43,700,000	Malawi	26,400,000	USSR	186,400,000
Cyprus	22,400,000	Malaysia	72,600,000	Upper Volta	18,500,000
Czechoslovakia	189,500,000	Mali	30,000,000	Uruguay	184,900,000
Dahomey	12,900,000	Malta	8,300,000	Venezuela	317,800,000
Denmark	873,300,000	Mauritania	5,000,000	Vietnam	15,213,700,000
Dominican Rep.	433,400,000	Mauritius	6,100,000	Western Somoa	8,500,000
East Germany	800,000	Mexico	451,800,000	Yemen	45,300,000
Ecuador	298,700,000	Morocco	731,800,000	Yugoslavia	2,515,600,000
El Salvador	145,400,000	Nepal	157,800,000	Zambia	6,100,000
Equatorial Guinea	300,000	Netherlands	2,033,300,000	Bahamas	31,800,000
Ethiopia	394,100,000	New Zealand	58,800,000	Brit. Honduras	5,900,000
Finland	10,300,000	Nicaragua	185,800,000	Brunei	14,000,000
France	7,039,700,000	Niger	18,900,000	South Rhodesia	1,500,000
Gabon	7,600,000	Nigeria	383,600,000	Surinam	9,200,000
Gambia	3,300,000	Norway	1,127,100,000	West Indies	8,900,000
Ghana	284,800,000	Pakistan	4,484,100,000	Hong Kong	44,700,000
Germany & Berlin	8,632,400,000	Panama	242,300,000	Papua & New Guinea	23,700,000
Greece	3,681,900,000	Paraguay	131,100,000	Ryukyu Islands	403,300,000
Guatemala	355,300,000	Peru	465,200,000	Trust Ter. Pac.	284,200,000
Guinea	113,000,000	Philippines	1,938,600,000	CENTO	54,700,000
Guyana	69,900,000	Poland	437,300,000	W/W, Regional	15,907,600,000

Total Disbursements to Foreign Nations	1946-1971	$138,446,200,000
Interest Paid on What We Borrowed to Give Away	1946-1971	74,434,597,000
GRAND TOTAL — COST OF FOREIGN ASSISTANCE	1946 THROUGH 1971	$212,880,797,000

ADMITTED, ADMITTED/AVERRED AS TRUE
PRIMA FACIE EVIDENCE

GROUNDS FOR ASSERTING CONSTITUTIONAL RIGHTS ON THE 1040 TAX RETURN

Marchetti vs. United States, 390 U.S. 39 at page 51:
" . . . The constitutional privilege was intended to shield the guilty and imprudent as well as the innocent and foresighted; . . . "
At page 57:
" . . . The Government's anxiety to obtain information known to a private individual does not without more render that information public; if it did no room would remain for the application of the constitutional privilege. Nor does it stamp information with a public character that the Government has formalized its demands in the attire of a statute; if this alone were sufficient, the constitutional privilege could be entirely abrogated by any Act of Congress."

United States ps. Sullivan, 274 U.S. 259 at page 262:
"The privilege is not limited to testimony, as ordinarily understood, but extends to every means by which one may be compelled to produce information which may incriminate. *Boyd v. United States*, supra; *Brown v. Walker*, 161 U.S. 591. *Distinguishing Hale v. Henkel*, 201 U.S. 43; *Wilson v. United States*, 221 U.S. 361; *Baltimore etc. R. Co. v. Interstate Commerce Commission*, 221 U.S. 612; and *United States v. Sischo*, 262 U.S. 165. See *McCarthy v. Arndstein*, *266 U.S. 34*; *United States v. Lombardo*, 228 Fed. 980; *United States v. Dalton*, 286 Fed. 756; *United States v. Mulligan*, 268 Fed. 893; *United States v. Cohen Grocery Co.*, 255 U.S. 81; *United States v. Sherry*, 294 Fed. 684."
At page 263:
" . . . If the form of return provided called for answers that the defendant was privileged from making he could have raised the objection in the return, but could not on that account refuse to make any return at all."

Heligman vs. United States, 407 F 2d 448:
" . . . The privilege must be specifically claimed on a particular question and the matter submitted to the court for its determination as to the validity of the claim."

United States vs. Daly, 481 F 2d 28 (1973)
"The chief error in defendant's position is his blanket refusal to answer any questions on the returns relating to his income or expenses for the years in question."

Counselman vs. Hitchcock, 142 U.S. 547:
"We are clearly of opinion that no statute which leaves the party or witness subject to prosecution, after he answers the criminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States . . . . In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecutions for the offence to which the question relates."

Hale vs. Henkel, 201 U.S. 43 at page 74:
" . . . We are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights. *An individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute . . .* "(emphasis added)

Miranda vs. State of Arizona, 380 US 436 (1966):
"Privilege against self-incrimination is in part individual's substantive right to private enclave where he may lead private life.
"Constitutional foundation underlying privilege against self-incrimination is the respect a government, state or federal, must accord to dignity and integrity of its citizens.
"Government seeking to punish individual must produce evidence against him by its own independent labors, rather than by cruel, simple expedient of compelling it from his own mouth.
"Privilege against self-incrimination is fulfilled only when person is guaranteed right to remain silent unless he chooses to speak in unfettered exercise of his own will.
"Privilege against self-incrimination protects individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination.
"Fifth Amendment provision that individual cannot be compelled to be witness against himself cannot be abridged.
"Where rights secured by Constitution are involved, there can be no rule making or legislation which would abrogate them."

United States vs. Dickerson, 413 F. 2d 1111:
"Only the rare taxpayer would be likely to know that he could refuse to produce his records to IRS agents . . .
" . . . Who would believe the ironic truth that the cooperative taxpayer fares much worse than the individual who relies upon his constitutional rights!"

Congressional Record—Senate, August 2, 1967, page 20961, denominated "RIGHTS OF TAXPAYERS":
Mr. LONG of Missouri. "Mr. President, I invite the Senate's attention to certain correspondence I have had with Internal Revenue Service Commissioner Sheldon S. Cohen with respect to the legal obligation of citizens to keep records, produce records, and answer questions relating to tax liability.
. . . Criminal cases have been veiled in civil clothing to obtain information illegally. Taxpayers have been bullied and threatened, especially small taxpayers and those without legal assistance.
What should taxpayers do when faced with such a situation? Do all lawyers even know what the obligations of taxpayers are as to record-keeping, record producing, and question answering?
The answer seems to be "No." For this reason, I wrote to Commissioner Cohen on April 17, 1967, and received his reply on July 7, 1967. As his reply is most instructive and will help the Congress, as well as taxpayers, their lawyers and accountants, I ask unanimous consent that the correspondence be printed in the Record."
The following are excerpts from Commissioner Cohen's reply, which was prepared by chief counsel Lester R. Uretz, and denominated U.S. Government Memorandum CC: CL—3487:
"Good faith challenges in the form of constitutional and other federally recognized privileges are of course recognized by the Service. For example, the privilege against self-incrimination under the Fifth Amendment may be a proper basis by an individual taxpayer for refusing to answer specific questions or to furnish his records.
" . . . Before recommending prosecution under section 7201 or 7203, the Service must usually develop enough information to show a substantial tax liability that was not met in addition to criminal intent.
" . . . the constitutional rights and other legal rights of all persons will be fully respected and observed."

Garner v. United States, 424 US _____ (1976), 96 S Ct 1178

The Supreme Court, by a vote of 8-0, held in the case of *Garner v. United States*, decided on March 23, 1976, that one could claim the Fifth Amendment privilege against self-incrimination on a tax-return, and that unless the privilege was claimed it would be considered as "waived," and that disclosures voluntarily given on the return would not be considered as "compelled" within the meaning of the Fifth Amendment.

The Court acknowledges that a claim of the "privilege" would constitute a defense of a charge of 26 USC 7203—"wilful failure to file"—" since a valid claim of privilege cannot be the basis for a 7203 conviction."

The Court goes on to say, "The Fifth Amendment itself guarantees the taxpayer's insulation against liability imposed on the basis of a valid and timely claim of privilege. . ."

In a separate, but concurring opinion, Justices Marshall and Brennan state, "In discussing this question, the Court notes that only a 'willful' failure to make a return is punishable under 7203 and that '*a defendant could not properly be convicted for an erroneous claim of privilege asserted in good faith . . . since a good-faith erroneous assertion of the privilege does not expose a taxpayer to criminal liability . . .*"

The two justices also state, ". . . a good faith erroneous claim of privilege entitles a taxpayer to acquittal under 7203 . . ."

The majority opinion was delivered by Justice Powell, who said, citing *Kastigar v United States*, 406 U.S. 441 (1972):

> "a witness protected by the privilege may rightfully refuse to answer unless and until he is protected at least against the use of his compelled answers and evidence derived therefrom in any subsequent criminal case in which he is a defendant."

The Court went on to say:

> "Absent such protection, if he is nevertheless compelled to answer, his answers are inadmissible against him in a later criminal prosecution. *Brum v United States*, [168 U.S. 532 (1871)]; *Lefkowitz v. Turley*, 414 U.S. 70, 78 (1973)."

The Court, in its majority opinion, comments on the cases of *Marchetti v. United States*, 390 U.S. 39 (1968) and *Grosso v. United States*, 390 U.S. 62 (1968). Since those involved were gamblers the filing of returns required of gamblers would of itself constitute an incriminating act, since the occupation of gambling was "inherently suspect" and permeated with statutes of criminality, "the Court held that the privilege could be exercised by simply failing to file."

The filer of this tax-return has heard that upon receiving a "5th Amendment Tax Return" that the IRS immediately categorizes one who claims said Constitutional right as one "inherently suspect of criminal activity."

If this is so then the taxpayer would appear to have every right granted Grosso and Marchetti. If the taxpayer's claim of the Fifth Amendment makes him suspect of "criminal activity," according to the doctrine of *Grosso* and *Marchetti*, supra, he could exercise the "privilege" by "simply failing to file" (See page 11 of the slip opinion, *Garner*, above.)

Judge Ritter Declares Rights of Taxpayers

Wayne P. Belnap of Salt Lake City recently brought suit against the Internal Revenue Service because, he claimed, they, by duress, gained access to his records, made copies of them without receiving his permission, and then refused to surrender those copies to him.

Chief Judge Willis W. Ritter of the U.S. District Court, District of Utah, dismissed the case on October 22 and claimed that Belnap had waived his constitutional immunities when he gave the IRS access to his records. The "Transcript of Proceedings" from the October 22 hearing is now available. The remainder of this article contains exact quotations from Judge Ritter as written in the official court records. Some parenthetical explanations have been added. The actual case is Wayne Belnap v. U.S., et. al. (C 149-71).

"All you needed to do is tell him (the IRS agent) you wouldn't say anything or you wouldn't turn anything over to him and keep your mouth shut, and you didn't do that. Now, you have a Constitutional right to do that." (Page 4) * * *

"The part that is important to you, Mr. Belnap, is that you can't be compelled to be a witness against yourself. That is what I have been telling you about. That Fifth Amendment, in that clause about you can't be compelled to be a witness against yourself, is where you have a Constitutional right that should have been asserted when you turned those records over to him. * * *

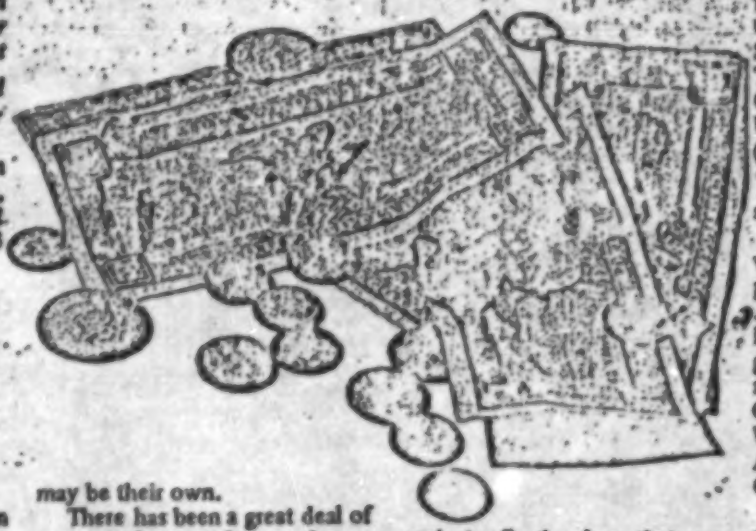
Promises, Promises -- Part 1

PRIMA FACIE EVIDENCE

The Great Federal Reserve Note Caper

"...Fed Notes are NOT money – but mere PROMISES to pay.

...The sack of these United States by the Fed is the greatest crime in history ...The Fed should be repealed and the Fed Banks having violated their charters, should be liquidated immediately ... If the Fed cannot keep their contract with United States citizens to redeem their paper money in gold, or lawful money then the Fed must be taken over by the United States Government and their officers must be put on trial."
Congressman Louis T. McFadden
Congressional Record,
June 10, 1932
pgs. 12,595 – 12,603



By CLAIRE KELLEY

PART I

Congressman McFadden knew what he was talking about, for he was himself a banker from Canton, Pennsylvania, elected to the U.S. House of Representatives on BOTH the Republican and Democratic tickets. As President of the First National Bank in Canton, the people in his hometown knew him to be an honest and knowledgeable man. They TRUSTED Louis McFadden and their trust was well founded. He served with distinction for TWENTY YEARS in the Congress of these United States, TWELVE of which were spent as Chairman of the House Committee on Banking and Currency. Congressman McFadden was held, even by his opponents, to be one of the foremost banking authorities in the country. It's time the American people unplugged their ears and LISTENED to the people who speak with authority and considered what they have to say. The country they save may be their own.

There has been a great deal of propaganda spread around over the past few years by well-meaning patriots and by organizations which 'front' as patriotic, about how we don't really need gold and silver behind our dollar or that Federal Reserve Notes are not worthless because you can go down to the corner and turn them in for 'something of value.' Neither is true.

The Federal Reserve Note is a PROMISE to pay a LAWFUL dollar, as defined by an Act of Congress. As long as LAWFUL dollars ARE paid, upon demand of the holder of said Note, at PAR value (one COIN dollar, for a one dollar note) those 'Fed Notes' ARE good as legal tender for all debts public and private.

It is when the government CEASES to honor its OBLIGATION to CONVERT the legal tender to LAWFUL money (coin dollar) that they then cease to be legal tender, no matter how many times the government prints on the bills that they ARE. The mere fact that the present government insists they ARE legal tender, against all the law that says they're NOT, proves beyond ANY doubt that we have a government that CONTINUALLY breaks the law and what can you call that, but a criminal government?

To counter this argument, the government says in effect, "Oh, well, we REMOVED the promise to pay, therefore there is no obligation." Well, the Supreme Court had something to say about that, too. Speaking of the government's obligation to 'pay up' when it makes a promise, it said,

"...the government seems to deduce the proposition that when, with adequate authority, the government borrows money, and pledges the credit of the United States, it is free to ignore that pledge and alter the terms of its obligations, in case a later Congress finds their fulfillment inconvenient ... The contention necessarily imports that the Congress can disregard the obligations of the government at its discretion and that, when the government borrows money, the credit of the United States is an illusory pledge....WE DO NOT SO READ THE CONSTITUTION ... To say that Congress may withdraw or ignore that pledge, is to assume that the Constitution contemplates a vain promise, a pledge having no other sanction than the pleasures and convenience of the pledger. THIS COURT HAS GIVEN NO SANCTION TO SUCH A CONCEPTION OF THE OBLIGATION OF OUR GOVERNMENT." Perry v. United States, 204 US 330 (1935)

This Perry decision goes on to say,

"The Congress CANNOT invoke the sovereign power of the people to override their will. ...Having this power to authorize the issue of definite obligations for the payment of money borrowed, the CONGRESS has NOT been VESTED WITH AUTHORITY TO ALTER OR DESTROY THOSE OBLIGATIONS."

Even the government's pet case, Knox v. Lee, which they always quote in defense of their unlawful repudiation to give the citizens lawful COIN DOLLARS for the phoney 'Fed Notes' says,

"...through whatever changes they pass, their ultimate destiny IS to be paid. "Knox v. Lee, 12 Wall 552 at pg. 561-62

On March 18, 1968 President Johnson signed the bill removing the last bit of silver from the Fed 'dollar,' thereby repudiating the government's promise to pay lawful money for the legal tender 'Fed Notes' and without that promise, they have NO VALUE. It is a matter of LAW, not of social acceptance nor of business practice. The Congress did not say that a lawful dollar was a loaf of bread or a dozen eggs and therefore that is not what makes a Fed Note valuable. Why else do you suppose European shopkeepers and businessmen STOPPED accepting phoney 'Fed dollars'? After March 18, 1968 THEY knew

Continued on page 18

CLAIRE KELLEY
Box 734
Huntington Beach, Calif. 92648

PRIMA FACIE EVIDENCE

DEPARTMENT OF THE TREASURY

BUREAU OF ENGRAVING AND PRINTING

WASHINGTON, D.C. 20228

January 22, 1975

Mr. A. J. Porth
Tax Consultant
99 S. Raymond Avenue
Pasadena, CA 91105

Dear Mr. Porth:

This is in response to your letter of January 20 concerning currency and the Federal Reserve System.

The answer to your first question is yes. This Bureau engraves and prints all United States paper currency.

Based on orders from the Board of Governors, Federal Reserve System, we print for and deliver paper currency to that agency at a cost of slightly in excess of 1¢ per note for any denomination.

Your last question is one that would have to be answered by the Federal Reserve System. Accordingly I have referred your letter with a copy of this reply to:

Board of Governors
Federal Reserve System
Washington, D.C., 20551

Sincerely yours,

H. T. Krisak

H. T. Krisak
Superintendent
Management Services Division

SERIES 1928 GOLD CERTIFICATE

The promises printed on this certificate state:

"This certifies that there have been deposited in the treasury of the United States of America, Ten Dollars in Gold Coin payable to the Bearer on Demand.

SERIES 1928 FEDERAL RESERVE NOTE

The promises printed on this note state:

"The United States of America will pay to the Bearer on Demand Ten Dollars. Redeemable in Gold on Demand at the United States Treasury."

PRIMA FACIE EVIDENCE

SERIES 1934 SILVER CERTIFICATE

The Promises printed on this Certificate state:

"This certifies that there is on deposit in the Treasury of the United States of America, Ten Dollars in Silver payable to the Bearer on Demand."

SERIES 1934 FEDERAL RESERVE NOTE

The Promises printed on this Note state:

"The United States of America will pay to the bearer on Demand Ten Dollars. Redeemable in Lawful Money at the United States Treasury."

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SERIES 1950 FEDERAL RESERVE NOTE

The Promises printed on this Note state:

"The United States of America will pay to the Bearer on Demand Ten Dollars. Redeemable in Lawful Money at the United States Treasury."

SERIES 1963 FEDERAL RESERVE NOTE

The Promises* printed on this Note state:

***THERE ARE NO PROMISES!**

No promise to pay the bearer Ten Dollars on Demand.

No promise to redeem for anything of value.

The above was taken from the book: "STAY TUNED FOR THE NEXT DEPRESSION BROUGHT TO YOU BY THE GOVERNMENT" by William R. Dolslau.

ADMITTED, ADMITTED/AVERRED AS TRUE
PRIMA FACIE EVIDENCE

TAYLOR COMMENTARY: Mesa Tribune, January 20, 1971

Big Brotherism Grows

By HENRY J. TAYLOR

Behind the scenes, a U.S. Senate subcommittee finds that 23 Federal agencies now have direct access to our citizens' income tax returns for an official total of 109 reasons. This is not only outrageous but totally dangerous. How come, Big Brother?

The potential abuses are self-evident. Your income tax declaration and all that can be construed from it probably the most private, intimately revealing thing demanded of citizens — started out to be inviolate. Most of the 72 million filers think it is. But, dig out the truth, and what's happening is as bad as if a zoo's walls were crumbling and every animal from wart hogs to grizzly bears were galloping loose.

The harassed Internal Revenue Service is not responsible for this. The outside agencies contrived their own intrusions to the IRS's utter dismay. But what an outrageous opening for scattered bureaucratic insiders, and for crooks, pressure boys, spite artists, political opponents, business rivals and others who can quietly get your declaration by cozy relationships, bribery and other means.

Did you know your tax return is merely up for grabs once you deliver it to Big Brother?

Some of the motives behind the 109 so-called reasons for this permitted intrusion by the 23 agencies are obscure, and certainly the result contains long-range potentials involving the threat of repression. Like Topsy, the number of intruding agencies and the 109 so-called reasons "just grew and grew." Government abuses can acquire their own momentum and grow to have a life of their own, like a spreading cancer.

A roar of national protest should put a stop — and at once — to this and the government's other undercover, unrevealed expansions. Each is one of the hidden activities that is putting an increasing strain on the democratic traditions of American life. How long can these hidden prostitutions of our intended government continue without wrecking every democratic concept in our democratic system?

When a news writer revealed that Army intelligence agents admittedly spied on senatorial candidate Adlai Stevenson III and other Illinois campaigners, New York students, etc., the bureaucratic alibis and buck-passing began. But these secret intruders had invaded the privacy of Americans everywhere like termites covering a leg. The official who gave them the opportunity (still unexposed) should have been fired out of hand. Can anything stop abuses like this except the outraged fear of public opinion?

The hodgepodge of Washington bureaus is installing data processing computers at the astounding rate of about 500 a year, with an emphasis on piling up information about citizens everywhere. This shocker goes beyond the installation and paper-work costs, although these alone are as enormous as they are inexcusable.

For example, the Civil Service Commission, on inquiry, replies that, yes, it now does compile "lead information relating to possible questions" that might come up about countless people. The Justice Department lists 13,200 names of persons known to have urged violence. The Secret Service has developed a Gargantuan file of "persons of interest," including those whose only bid for Secret Service attention is their criticism of government policies. And so it goes. Are we to be curled into a ball of fear?

In the right of privacy or any other right it is a common habit of citizens to cherish it more because they have lost it. But then it is too late. The losses usually come gradually. "It couldn't happen here" is a suicidal philosophy.

Big Brother's intrusion into our American life is not new, nor is its expansion schemed and planned in the sense of a sinister design, of course. Actually, it's a drift. But the drift is on for sure and, for one thing, electronic technological advances are speeding the drift frighteningly.

Today's data processing advances allow Big Brother to acquire, store and use the tremendous files of information Big Brother collects on each of us with a correlation and speed which completely changes the potential for the invasion of privacy.

Even the vastly expanded questions in the 1970 census contribute their heavy share. This is not a count of our population as the Constitution demands. It is, instead, a systematic penetration of our privacy, undoubtedly useful but expanded nevertheless in accord with the sprawling cancer.

The Romans asked: "Who is watching the watchman?" Well, let us ask that question now — and how!

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PRIMA FACIE EVIDENCE

FREEDOM

U.S. No. XI Dec. Feb.

INSIDE THE IRS

The Internal Revenue Service has recently been forced to defend its policies and actions from the mounting criticisms of Congress, the media, churches, attorneys, lay groups, clubs and individuals. This growing Tax Rebellion (Freedom X), however, has come from outside the IRS. Criticism from within has been noticeably absent.

With Freedom's exclusive disclosure of nearly 300 pages of confidential IRS documents, the silence began to break.

As a result of a radio talk show on the IRS Papers, a gentleman identifying himself as a former IRS agent of 15 years service called one of our editors, commending FREEDOM for its action. Then, motivated by a belief that only a full-scale investigation and reform from Congress would be the answer to IRS inequities, he agreed to an exclusive FREEDOM interview to tell our readers what it is like to work inside the IRS.

Dean Boyd lives in a small, comfortable home in the hills of Marin County, California. With a dog and two cats sometimes interrupting the conversation, FREEDOM spent the afternoon with Boyd and asked him about the IRS.

FREEDOM: What might get you in trouble?

BOYD: Questioning IRS policy or making suggestions like there should be the equivalent of public defenders for taxpayers.

FREEDOM: Speaking of trouble-makers, did you ever know of instances where an audit was ordered for no other reason than to just "get" someone?

BOYD: Sure. You have to remember that in the old days IRS was used as a tool to get those they couldn't get any other way. Al Capone was knocked off by the IRS. If the IRS makes up its mind to go after someone, they do. It comes down from higher up. We just get a "Check into so-and-so and stay on it til you find something." An interesting coincidence, if you want to call it that, was that I got a letter from IRS saying they couldn't find my 1970 return a week after I talked to you on that radio show.

FREEDOM: Do you think it was a coincidence?

BOYD: Maybe. Maybe not. They don't like criticism.

FREEDOM: What determines if someone "higher up" wants an investigation in order to just get someone?

BOYD: They are usually politically active, critical of the IRS or Treasury. You get a number of those.

FREEDOM: Where do such orders come from?

BOYD: The agent never knows. The group chief passes it on from the District who gets it from Regional who gets it from National. It would always come down verbally, nothing written. We were just told who and to stay with it until we found something.

FREEDOM: How is this done?

BOYD: There is not a return in the world that an agent can't either find something wrong with or even change to trip up the taxpayer.

FREEDOM: Can you give an example?

BOYD: About the simplest is with a business. You've examined the records and everything is fine, no problem. It is a "no-change" case. But the business has this building it is writing off as depreciation over, say, 30 years. The agent looks around and says "I think it should be 40 years" and, just like that we've got a new tax to put on him.

FREEDOM: Have you worked on cases where all you were doing was carrying out orders to just get someone?

BOYD: A number of times, I'm sorry to say. We were always able to find something sooner or later.

Mesa Tribune

Page Four Thursday, April 8, 1976

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PRIMA FACIE EVIDENCE

Tom Tiede

IRS Excesses Give Uncle Sam A Black Eye

By TOM TIEDE

WASHINGTON (NEA) — No arm of government is more detested than that of the Internal Revenue Service, and too often with good reason.

It's not that the agency just takes people's money, it's how it does it, or what it does if it can't. The press regularly and wearily report on the occasion of some poor devil somewhere who, after months or years of IRS harassment and abuse, sticks a rifle into his mouth and blows his fears away.

And then there are those who try to stick it out such as Karl Bray of Salt Lake City, Utah, lately of Terminal Island Federal Penitentiary in San Pedro, Cal. No guns for him. Just bars, self-rot and a future that is more of the same.

Bray was a radio commentator when, in the summer of 1971, the IRS came like Brown Shirts into his life. As part of a regular talk show program, he invited a militant "tax resister" named Marvin Cooley to air his views. Cooley did, saying that he was avoiding his own taxes and advising others to join him in what he called the IRS violations of First and Fifth Amendment rights. Local federal authorities were greatly annoyed, thereafter targeting Bray for close watch and mischief. For starters, they had him fired from his job.

Understandably, the intrusion irked Bray, a libertarian who, if he thought little of the IRS bureaucracy before it came down on him, thought less of it after. He began to organize similarly dissatisfied citizens in Salt Lake City, eventually urging tax protest rallies and tax revolt. His wife, who speaks for her hoodlum husband now that he's safely locked away, says that the more Bray protested, the angrier the IRS became: "The thing about Karl is that he went public, and the IRS just wouldn't stand for it."

(Cooley, a Mesa resident, was later also sentenced in a tax case and has also been serving a term at Terminal Island.)

In retaliation over the next two years, IRS agents allegedly tapped the Bray's phone, nosed about the neighbors asking poisoned questions, even tried to dissuade people from associating with him in business (after the radio job, Bray was self-employed as a dealer in precious metals). Once, says Mrs. Bray, he was hauled off to the police station for nonpayment of a simple parking ticket. Another time he was stopped on a freeway by 12 police cars and 25 officers who said they'd gotten word that he had stolen property in his car.

Finally, he was taken to court as a tax chisler. He received a six-month sentence for illegal possession of an IRS document (a harmless piece of paper which any citizen may obtain today through proper channels). He was then given a year each on two counts of tax evasion. He is serving his time (six months now) in a medium security prison where he has come to the attention of the warden for his attempts to interest other prisoners in the tax revolt movement.

Admittedly, it is impossible to write of Karl Bray without mixed feelings. Distateful as it is, and perhaps it is even technically illegal, government tax collection necessary, and the cooperation of citizens is vital. Yet there can be nothing but contempt for law enforcement when it becomes, as in Bray's case, enforcement excess.

Actually, it may even be argued that all things being equal Bray should not be in jail at all. Millions of Americans cheat on their tax payments annually, many of them known to the IRS, yet only a handful are ever prosecuted (about 1,500 a year). Many people even advise the government they are chisling, usually for antiwar or anti-armament purposes, and yet are not thrown in jail. Indeed, the IRS closes its eyes to most tax cheating because it does not have the ability to throw legions of Americans in the slums.

And then there is another, more important consideration here. We have learned from Watergate that our tax returns can be used against us, politically or otherwise. We have learned from experience that our tax money is routinely squandered. And we have learned from the founders that we must not be docile in the face of government abuse.

In this regard, activist Bray may not be so dastardly a fellow after-all.

U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C.
20530

April 1, 1970

PRIMA FACIE EVIDENCE

Honorable Robert C. Zampano
Judge, United States District Court
Post Office Building
141 Church Street
New Haven, Connecticut

Re: United States V. Vivien Kellens
No. 13, 665

Dear Judge Zampano

Mr. Jeffrey Snow of this office, handling the above-styled case, has informed me that he had a short conversation with you on March 31, 1970. As you know it is the wish of this office, having studied the transcript of the hearing to withdraw our request for enforcement of the three summonses at issue. We are of the opinion that Miss Kellems has properly pleaded the Fifth Amendment privilege against self-incrimination as to her payment records.

We have prepared the enclosed order for your signature.

Sincerely yours

JOHNNIE M. WALTERS
Assistant Attorney General
Tax Division

Enclosure

By:
JOHN M. McCARTHY
Chief
General Litigation Section

CC. Steward H. Jones, Esq.
United States Attorney
Post Office Building
141 Church Street
New Haven, Connecticut 06508

Attn: Richard L. Winter, Esq.
Assistant United States Attorney

Miss Vivien Kellems
Newberry Road
East Haddam, Connecticut 06423

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

Declaration of Independence

IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America,

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

★ ★ ★

AMENDMENTS TO THE CONSTITUTION

(The first ten Amendments, usually called the Bill of Rights, went into effect December 15, 1791.)

★ AMENDMENT I ★

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

★ AMENDMENT II ★

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

★ AMENDMENT III ★

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

★ AMENDMENT IV ★

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

★ AMENDMENT V ★

No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

★ AMENDMENT VI ★

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

★ AMENDMENT VII ★

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

★ AMENDMENT VIII ★

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ADMITTED, ADMITTED, AVERRED AS TRUE

★ AMENDMENT IX ★

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

★ AMENDMENT X ★

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

* * *

★ AMENDMENT XIV ★

(adopted 1868)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, *excluding Indians not taxed.*[3] But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.[4]

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

* * *

★ AMENDMENT XVI ★

(adopted 1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

* * *

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

AN EXCERPT FROM THE BOOK
"TRIAL BY JURY"
by Lysander Spooner
Published 1852

Chapter One — The Right of Juries to Judge of the Justice of Laws.

For more than six hundred years — that is, since Magna Carta, in 1215 — there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law and what was the moral intent of the accused; *but it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of such laws.*

Unless such be the right and duty of jurors, it is plain that, instead of juries being a "palladium of liberty" — a barrier against the tyranny and oppression of the government — they are really mere tools in its hands, for carrying into execution any injustice and oppression it may desire to have executed.

But for their right to judge of the law, *and the justice of the law*, juries would be no protection to an accused person, *even as to matters of fact;* for, if the government can dictate to a jury any law whatever, in a criminal case, it can certainly dictate to them the laws of evidence. That is, it can dictate what evidence is admissible, and what inadmissible, *and also what force or weight is to be given to the evidence admitted.* And if the government can thus dictate to a jury the laws of evidence, it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case, but it can even require them to convict on any evidence whatever that it pleases to offer them.

That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object.

"The trial by jury," then, is a "trial by the country" — that is, by the people — as distinguished from a trial by the government.

It was anciently called "trial per pais" — that is, "trial by the country." And now, in every criminal trial, the jury are told that the accused "has, for trial, put himself upon the country; which country you (the jury) are."

The object of this trial "by the country," or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government, instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government, if they are not allowed to determine what those liberties are?

Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise. There is no other — or at least no more accurate — definition of a despotism that this.

On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. *And this is freedom.* At least, it is freedom *to them;* because, although it may be theoretically imperfect, it, nevertheless, corresponds to *their* highest notions of freedom.

To secure this right of the people to judge of their own liberties against the government, the jurors are taken, (or must be, to make them lawful jurors,) from the body of the people, *by lot,* or by some process that precludes any previous knowledge, choice, or selection of them, on the part of the government.

This is done to prevent the government's constituting a jury of its own partisans or friends; in other words, to prevent the government's *packing* a jury, with a view to maintain its own laws, and accomplish its own purposes.

It is supposed that, if twelve men be taken, *by lot,* from the mass of the people, without the possibility of any previous knowledge, choice, or selection of them, on the part of the government, the jury will be a fair epitome of "the country" at large, and not merely of the party or faction that sustain the measures of the government; that substantially all classes of opinion, prevailing among the people, will be represented in the jury; and especially that the opponents of the government (if the government have any opponents) will be represented there, as well as its friends; that the classes, who are oppressed by the laws of the government, (if any are thus oppressed), will have their representatives in the jury, as well as those classes who take sides with the oppressor — that is, with the government.

It is fairly presumable that such a tribunal will agree to no conviction except such as *substantially the whole country* would agree to, if they were present, taking part in the trial. A trial by such a tribunal is, therefore, in effect, "a trial by the country." In its results it probably comes as near to a trial by the whole country, as any trial that it is practicable to have, without too great inconvenience and expense. And as unanimity is required for a conviction, it follows that no one can be convicted except for the violation of such laws as substantially the *whole* country wish to have maintained. The government can enforce none of its laws, (by punishing offenders, through the verdicts of juries,) except such as substantially the whole people wish to have enforced. The government, therefore, consistently with the trial by jury, can exercise no powers over the people, (or, what is the same thing, over the accused person, who represents the rights of the people,) except such as substantially the whole people of the country consent that it may exercise. In such a trial, therefore, "the country," or the people, judge of and determine their own liberties against the government, instead of the government's judging of and determining its own powers over the people.

But all this "trial by the country" would be no trial at all "by the country" but only a trial by the government, if the government could either declare who may, and who may not, be jurors, or could dictate to the jury anything whatever, either of law or evidence, that is of the essence of the trial.

If the government may decide who may, and who may not, be jurors, it will of course select only its partisans, and those friendly to its measures. It may not only prescribe who may, and who may not, be eligible to be drawn as jurors, but it may also question each person drawn as a juror, as to his sentiments in regard to the particular law involved in each trial, before suffering him to be sworn on the panel; and exclude him if he be found unfavorable to the maintenance of such a law.

So, also if the government may dictate to the jury *what laws they are to enforce,* it is no longer a "trial by the country," but a trial by the government; because the jury then try the accused, not by any standard of their own — not by their own judgments of their rightful liberties — but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people's liberties. If the government dictate the standard of trial, it of course dictates the results of the trial. And such a trial is no trial by the country, but only a trial by the government; and in it the government determines what are its own powers over the people, instead of the people determining what are their own liberties against the government. In short, if the jury have no right to judge of the justice of a law of the government, they plainly can do nothing to protect the people against the oppressions of the government; for there are no oppressions which the government may not authorize by law.

The jury are also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are capable of being practised under cover of a corrupt exposition of the laws. If the judiciary can authoritatively dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another,

according as they are expounded.

The jury must also judge whether there really be any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government. They must judge of the existence of the law; of the true exposition of the law; *of the justice of the law;* and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a "trial by the country." By such trials the government will determine its own powers over the people, instead of the people's determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a "palladium of liberty," or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves — the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with. If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise.

The force and justice of the preceding argument cannot be evaded by saying that the government is chosen by the people; that, in theory, it represents the people; that it is designed to do the will of the people; that its members are all sworn to observe the fundamental or constitutional law instituted by the people; that its acts are therefore entitled to be considered the acts of the people; and that to allow a jury, representing the people, to invalidate the acts of the government, would therefore be arraying the people against themselves.

There are two answers to such an argument.

One answer is, that, in a representative government, there is no absurdity or contradiction, nor any arraying of the people against themselves, in requiring that the statutes or enactments of the government shall pass the ordeal of any number of separate tribunals, before it shall be determined that they are to have the force of laws. Our American constitutions have provided five of these separate tribunals, to wit, representatives, senate, executive, jury, and judges, and have made it necessary that each enactment shall pass the ordeal of all these separate tribunals before its authority can be established by the punishment of those who choose to transgress it. And there is no more absurdity or inconsistency in making a jury one of these several tribunals, than there is in making the representatives, or the senate, or the executive, or the judges, one of them. There is no more absurdity in giving a jury a veto upon the laws, than there is in giving a veto to each of these other tribunals. The people are no more arrayed against themselves, when a jury puts its veto upon a statute, which the other tribunals have sanctioned, than they are when the same veto is exercised by the representatives, the senate, the executive, or the judges.

But another answer to the argument that the people are arrayed against themselves, when a jury hold an enactment of the government invalid, is, that the government, and all the departments of the government, *are merely the servants and agents of the people;* not invested with arbitrary or absolute authority to bind the people, but required to submit all their enactments to the judgement of a tribunal more fairly representing the whole people, before they carry them into execution, by punishing any individual for transgressing them. If the government were not thus required to submit their enactments to the judgment of "the country," before executing them upon individuals — if, in other words, the people had reserved to themselves no veto upon the acts of the government, the government instead of being a mere servant and agent of the people, would be an absolute despot over the people. It would have all power in its own hands; because the power to *punish* carries all other powers with it. A power that can, of itself, and by its own authority, punish disobedience, can compel obedience and submission, and is above all responsibility for the character of its laws. In short, it is a despotism.

And it is of no consequence to inquire how a government came by this power to punish, whether by prescription, by inheritance, by usurpation, or by delegation from the people? *If it have now but got it,* the government is absolute.

It is plain, therefore, that if the people have invested the government with power to make laws that absolutely bind the people, and to punish the people for transgressing those laws, the people have surrendered their liberties unreservedly into the hands of the government.

It is of no avail to say, in answer to this view of the case, that in surrendering their liberties into the hands of the government, the people took an oath from the government, that it would exercise its power within certain constitutional limits; for when did oaths ever restrain a government that was otherwise unrestrained? Or when did a government fail to determine that all its acts were within the constitutional and authorized limits of its power, if it were permitted to determine that question for itself?

Neither is it of any avail to say, that, if the government abuse its power, and enact unjust and oppressive laws, the government may be changed by the influence of discussion, and the exercise of the right of suffrage. Discussion can do nothing to prevent the enactment, or procure the repeal, of unjust laws, unless it be understood that the discussion is to be followed by resistance. Tyrants care nothing for discussions that are to end only in discussion. Discussion, which do not interfere with the enforcement of their laws, are but idle wind to them. Suffrage is equally powerless and unreliable. It can be exercised only periodically; and the tyranny must at least be borne until the time for suffrage comes. Besides, when the suffrage is exercised, it gives no guaranty for the repeal of existing laws that are oppressive, and no security against the enactment of new ones that are equally so. The second body of legislators are liable and likely to be just as tyrannical as the first. If it be said that the second body may be chosen for their integrity, the answer is, that the first were chosen for that very reason, and yet proved tyrants. The second will be exposed to the same temptations as the first, and will be just as likely to prove tyrannical. Whoever heard that succeeding legislatures were, on the whole, more honest than those that preceded them? What is there in the nature of men or things to make them so? If it be said that the first body were chosen from motives of injustice, that fact proves that there is a portion of society who desire to establish injustice? and if they were powerful or artful enough to procure the election of their instruments to compose the first legislature, they will be likely to be powerful or artful enough to procure the election of the same or similar instruments to compose the second. The right of suffrage, therefore, and even a change of legislators, guarantees no change of legislation — certainly no change for the better. Even if a change for the better actually comes, it comes too late, because it comes only after more or less injustice has been irreparably done.

But, at best, the right of suffrage can be exercised only periodically; and between the periods the legislators are wholly irresponsible. No despot was ever more entirely irresponsible than are republican legislators during the period for which they are chosen. They can neither be removed from their office, nor called to account while in their office, nor punished after they leave their office, be their tyranny what it may. Moreover, the judicial and executive departments of the government are equally irresponsible *to the people*, and are only responsible, (by impeachment, and dependence for their salaries), to these irresponsible legislators. This dependence of the judiciary and

executive upon the legislature is a guaranty that they will always sanction and execute its laws, whether just or unjust. Thus the legislators hold the whole power of the government in their hands, and are at the same time utterly irresponsible for the manner in which they use it.

If, now, the government (the three branches thus really united in one), can determine the validity of, and enforce, its own laws, it is, for the time being, entirely absolute, and wholly irresponsible to the people.

But this is not all. These legislators, and this government, so irresponsible while in power, can perpetuate their power at pleasure, if they can determine what legislation is authoritative upon the people, and can enforce obedience to it? for they can not only declare their power perpetual, but they can enforce submission to all legislation that is necessary to secure its perpetuity. They can, for example, prohibit all discussion of the rightfulness of their authority; forbid the use of the suffrage; prevent the election of any successors; disarm, plunder, imprison, and even kill all who refuse submission. If, therefore, the government (all departments united) be absolute for a day — that is, if it can, for a day, enforce obedience to its own laws — it can, in that day, secure its power for all time — like the queen, who wished to reign but for a day, but in that day caused the king, her husband, to be slain, and usurped his throne.

Nor will it avail to say that such acts would be unconstitutional, and that unconstitutional acts may be lawfully resisted; for everything a government pleases to do will, of course, be determined to be constitutional, if the government itself be permitted to determine the question of the constitutionality of its own acts. Those who are capable of tyranny, are capable of perjury to sustain it.

The conclusion, therefore, is that any government, that can, *for a day*, enforce its own laws, without appealing to the people, (or to a tribunal fairly representing the people,) for their consent, is, in theory, an absolute government, irresponsible to the people, and can perpetuate its power at pleasure.

The trial by jury is based upon a recognition of this principle, and therefore forbids the government to execute any of its laws, by punishing violators, in any case whatever, without first getting the consent of "the country," or the people, through a jury. In this way, the people, at all times, hold their liberties in their own hands, and never surrender them, even for a moment, into the hands of the government.

The trial by jury, then, gives to any and every individual the liberty, at any time, to disregard or resist any law whatever of the government, if he be willing to submit to the decision of a jury, the questions, whether the law be intrinsically just and obligatory? and whether his conduct, in disregarding or resisting it, were right in itself? And any law, which does not, in such trial, obtain the unanimous sanction of twelve men, taken at random from the people, and judging according to the standard of justice in their own minds, free from all dictation and authority of the government, may be transgressed and resisted with impunity, by whomsoever pleases to transgress or resist it.

The trial by jury authorizes all this, or it is a sham and a hoax, utterly worthless for protecting the people against oppression. If it does not authorize an individual to resist the first and least act of injustice or tyranny, on the part of the government, it does not authorize him to resist the last and the greatest. If it does not authorize individuals to nip tyranny in the bud, it does not authorize them to cut it down when its branches are filled with the ripe fruits of plunder and oppression.

Those who deny the right of a jury to protect an individual in resisting an unjust law of the government, deny him all *legal* defense whatsoever against oppression. The right of revolution, which tyrants, in mockery, accord to mankind, is no *legal* right *under* a government; it is only a *natural* right to overturn a government. The government itself never acknowledges this right. And the right is practically established only when and because the government no longer exists to call it in question. The right, therefore, can be exercised with impunity, only when it is exercised victoriously. All *unsuccessful* attempts at revolution, however justifiable in themselves, are punished as treason, if the government be permitted to judge of the treason. The government itself never admits the injustice of its laws, as a legal defence for those who have attempted a revolution and failed. The right of revolution, therefore, is a right of no practical value, except for those who are stronger than the government. So long, therefore, as the oppressions of a government are kept within such limits as simply not to exasperate against it a power greater than its own, the right of revolution cannot be appealed to, and is therefore inapplicable to the case. This affords a wide field for tyranny; and if a jury cannot *here* intervene, the oppressed are utterly defenceless.

It is manifest that the only security against the tyranny of the government lies in forcible resistance to the execution of the injustice; because the injustice will certainly be executed, *unless it be forcibly resisted.* And if it be but suffered to be executed, it must then be borne; for the government never makes compensation for its own wrongs.

Since, then, this forcible resistance to the injustice of the government is the only possible means of preserving liberty, it is indispensable to all *legal* liberty that this *resistance* should be *legalized.* It is perfectly self-evident that where there is no *legal* right to resist the oppression of the government, there can be no *legal* liberty. And here it is all-important to notice, that *practically speaking,* there can be no *legal* right to resist the oppressions of the government, unless there be some *legal* tribunal, other than the government, and wholly independent of, and *above,* the government, to judge between the government and those who resist its oppressions; in other words, to judge what laws of the government are to be obeyed, and what may be resisted and held for nought. The only tribunal known to our laws, for this purpose, is a jury. If a jury have not the right to judge between the government and those who disobey its laws, and resist its oppressions, the government is absolute, and the people, *legally speaking,* are slaves. Like many other slaves they may have sufficient courage and strength to keep their masters somewhat in check; but they are nevertheless *known to the law* only as slaves.

That this right of resistance was recognized as a common law right, when the ancient and genuine trial by jury was in force, is not only proved by the nature of the trial itself, but is acknowledged by history.

This right of resistance is recognized by the constitution of the United States, as a strictly legal and constitutional right. It is so recognized, first by the provision that "the trial of all crimes, except in cases of impeachment, shall be by jury" — that is, by the country — and not by the government; secondly, by the provision that "the right of the people to keep and bear arms shall not be infringed." This constitutional security for "the right to keep and bear arms," implies the right to use them — as much as a constitutional security for the right to buy and keep food would have implied the right to eat it. The constitution, therefore, takes it for granted that the people will judge of the conduct of the government, and that, as they have the right, they will also have the sense, to use arms, whenever the necessity of the case justifies it. And it is a sufficient and legal defence for a person accused of using arms against the government, if he can show, to the satisfaction of a jury, *or even any one of a jury,* that the law he resisted was an unjust one.

In the American *State* constitutions also, this right of resistance to the oppressions of the government is recognized, in various ways, as a natural, legal, and constitutional right. In the first place, it is so recognized by provisions establishing the trial by jury; thus requiring that accused persons shall be tried by "the country," instead of the government. In the second place, it is recognized by many of them, as, for example, those of Massachusetts, Maine, Vermont, Connecticut, Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Tennessee, Arkansas, Mississippi, Alabama, and Florida, by provisions expressly declaring that the people shall have the right to bear arms. In many of them also, as, for example, those of Maine, New Hampshire, Vermont, Massachusetts, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Florida, Iowa, and Arkansas, by provisions, in their bills of rights, declaring that men have a natural, inherent, and inalienable right of "*defending* their lives and liberties." This, of course, means that they have a right to defend them against any injustice *on the part of the government,* and not merely on the part of private individuals; because of the object of all bills of right is to assert the rights of individuals and the people, *as against the government,* and not as against private persons. It would be a matter of ridiculous supererogation to assert, in a constitution of government, the natural right of men to defend their lives and liberties against private trespassers.

Many of these bills of rights also assert the natural right of all men to protect their property — that is, to protect it *against the government*. It would be unnecessary and silly indeed to assert, in a constitution of government, the natural right of individuals to protect their property against thieves and robbers.

The constitutions of New Hampshire and Tennessee also declare that "The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

The legal effect of these constitutional recognitions of the right of individuals to defend their property, liberties, and lives, against the government, is to legalize resistance to all injustice and oppression, of every name and nature whatsoever, on the part of the government.

But for this right of resistance, on the part of the people, all governments would become tyrannical to a degree of which few people are aware. Constitutions are utterly worthless to restrain the tyranny of governments, unless it be understood that the people will, by force, compel the government to keep within the constitutional limits. Practically speaking, no government knows any limits to its power, except the endurance of the people. But that the people are stronger than the government, and will resist in extreme cases, our governments would be little or nothing else than organized systems of plunder and oppression. All, or nearly all, the advantage there is in fixing any constitutional limits to the power of a government, is simply to give notice to the government of the point at which it will meet with resistance. If the people are then as good as their word, they may keep the government within the bounds they have set for it; otherwise it will disregard them — as is proved by the example of all our American governments, in which the constitutions have all become obsolete, at the moment of their adoption, for nearly or quite all purposes except the appointment of officers, who at once become practically absolute, except so far as they are restrained by the fear of popular resistance.

The bounds set to the power of the government by the trial by jury, as will hereafter be shown, are these — that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent (except for the purpose of bringing them before a jury for trial,) unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government.

ADMITTED, ADMITTED/AVERRED AS TRUE

A-20 The Arizona Republic Phoenix, Sunday, Oct. 6, 1974

PRIMA FACIE EVIDENCE

Abortions reportedly cost Medicaid $50 million

Associated Press

WASHINGTON (AP) — Medicaid, using federal and state funds, is paying up to $50 million each year to finance more than 220,000 abortions, a Department of Health, Education and Welfare memorandum discloses.

Using figures from seven states, Dr. Louis Hellman, HEW's deputy assistant secretary for population affairs, projected that Medicaid is financing between 222,000 and 278,000 abortions annually.

He said approximately 800,000 legal abortions were performed in 1973 and an estimated 25 per cent involved people who used Medicaid to pay for the operations, at an average cost of $180 each.

Hellman said the abortions saved public funds.

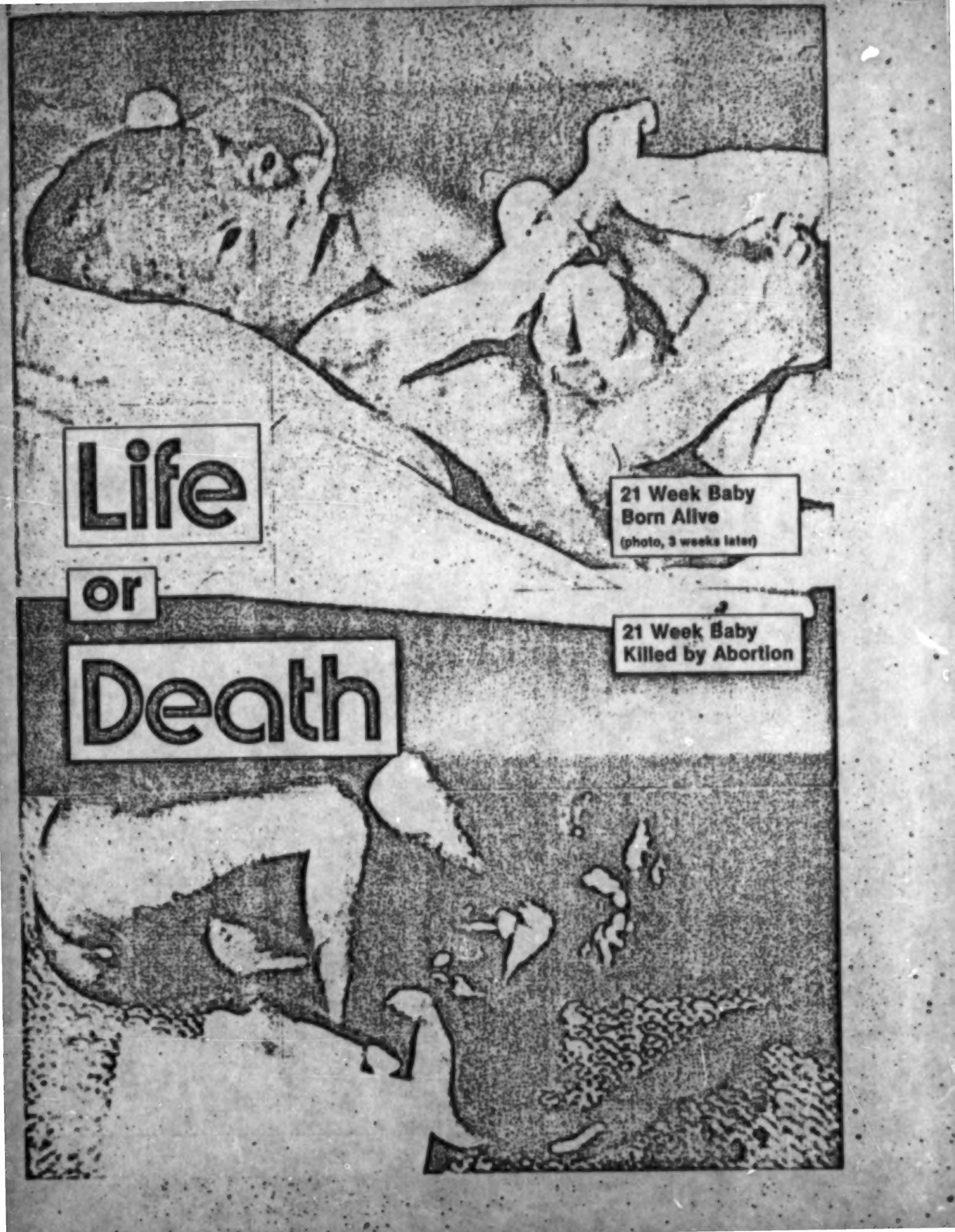
"You would have to figure out what would happen to these women if they couldn't get abortions," he said.

The memorandum states that "for each pregnancy among Medicaid eligible women that is brought to term, it is estimated that the first-year cost to federal, state and local governments for maternity and pediatric care and public assistance is approximately $2,200."

The memorandum was prepared for the Senate Appropriations Committee, which is evaluating the impact of an amendment to the HEW appropriations bill. The amendment, sponsored by Sen. Dewey F. Bartlett, R-Okla., would cut off abortion funding except when it is needed to save the mother's life.

"The Supreme Court ruled that a mother has the legal right to obtain an abortion," Bartlett said. "However, the court certainly did not require Congress to pay for it."

Federal support for Medicaid, paid through the HEW appropriation, varies among states. It pays a minimum of 50 per cent and a maximum of 83 per cent of medicaid costs. The largest amounts go to the poorest states.


Life
or
Death
21 Week Baby
Born Alive
(photo, 3 weeks later)
21 Week Baby
Killed by Abortion

Baby Born at 4½ Months

Marcus Richardson was born 1-1-72 in Cincinnati, Ohio, 19 weeks and 6 days after the first day of his mother's last menstrual period (18 weeks after conception). A pregnancy normally totals 40 weeks. He is pictured here 9 weeks after birth, a perfectly normal child.

Some states use "viability" or ability to survive outside the womb as a measurement of the humanity of the unborn. Thirty years ago, however, "viability" was about 30 weeks. Now it is as early as 20 weeks. In 20 more years it may be at 10 or 12 weeks. What is changing is the increasing sophistication of our external life support systems. The babies are the same. Therefore, "viability" cannot be used to judge the baby's humanity. Rather it measures the skill and equipment of the doctors, nurses, and hospital in which the baby is born.

Eleven to Twelve Weeks (3 Months)

At this stage all organ systems are functional. He breathes, swallows, digests, and urinates. He is very sensitive to pain, recoiling from pinprick and noise, and seeks a position of comfort when disturbed. Soon he will sleep and wake with his mother. If his amniotic fluid is sweetened, he will swallow more often, if it is made sour he will quit swallowing.

He can be taught by sound signals to anticipate and recoil from a pain stimulus, but no two little ones will respond the same, they are already individuals. At this stage Arnold Gesel has said, "The organization of his psychosomatic self is well underway."

After this time nothing new will develop or function, only further growth and maturation.

Note, he is sucking his thumb.

Caesarean Section Abortion (Hysterotomy)

This method is exactly like a C-section until after the cord is cut. In a Caesarean Section, the baby's phlegm is sucked out, and she is taken to the intensive care, newborn nursery where everything is done to care for her.

The baby in this picture weighing two pounds (a 24 week pregnancy) was to be aborted. She was cut free, dropped in a bucket, and left to die. At this age they all move, breathe and some will even cry.

In 1971, about 4000 of these abortions were done in New York. Since all of these babies are born alive, this means that 4000 babies were aborted alive and left to, or encouraged to, die.

©1973, Dr. and Mrs. J. C. Willke

Salt Poisoning Abortion at 19 Weeks (4½ Months)

This so-called "product of pregnancy" is the result of the second most common type of abortion done in the U.S. and Canada.

This method is done after 18 weeks when enough fluid has accumulated in the sac around the baby. A long needle is inserted through the mother's abdomen into the baby's sac and a solution of concentrated salt is injected into it. The baby breathes in and swallows the salt and is poisoned by it. The outer layer of skin is burned off by its corrosive effect. It takes over an hour to slowly kill a baby by this method.

If the mother is fortunate and does not develop any complications she will go into labor and about one day later will deliver a wretched dead little baby such as the one above.

Tiny Human Feet at 10 Weeks

These perfectly formed feet demonstrate that the baby's tiny body is completely formed at this time.

at six weeks	— "quickening" occurs — that is movement begins.
	— human brain activity can be recorded on the electroencephalogram.
at 18 days	— the human heart begins to beat.
at conception	— human life begins. At that moment a new being exists—totally different from the body of either the mother or the father (different genetic makeup)
	— human (46 chromosomes)
	— alive (capable of replacing his own dying cells)
	— and needing only food and time to grow into an adult human.

Human Life at Eight Weeks (2 Months)

At this stage:

- he (or she) will grab an instrument placed in his palm and hold on
- an electrocardiogram can be done
- he "swims freely in the amniotic fluid with a natural swimmer's stroke"
- with instrumants you can hear his heartbeat.

D&C Abortion at 12 Weeks

Performed between 7 and 12 weeks, this method utilizes a sharp, loop shaped, steel knife. The uterus is entered through the vagina. The cervix (mouth of the womb) is stretched open. The surgeon then cuts the tiny body to pieces and cuts and slices the placenta from the inside walls of the uterus. Bleeding is usually profuse.

One of the jobs of the operating nurse is to reassemble the parts to be sure the uterus is empty, otherwise she will bleed or become infected.

Suction Abortion at 10 Weeks

Over 75% of all abortions in the U.S. and Canada are done by this method. It is like the D & C except that a powerful suction tube is inserted. This tears apart the body of the developing baby and his placenta, sucking the "products of pregnancy" into a jar. Sometimes the small body parts are recognizable as on this picture.

All of the photos in this brochure have been previously copyrighted and published in HANDBOOK ON ABORTION. This special edition of LIFE OR DEATH was printed with permission, Hayes Publishing Co., Cincinnati, Ohio. Original larger edition available direct from Hayes Pub. Co.

All of the photos in this brochure have been entered as scientifically documented, sworn evidence before the Federal District Court of Connecticut and before the Judiciary Subcommittee of the United States House of Representatives.

ADMITTED, ADMITTED; VERIFIED AS

ERIMA FACIE EVIDENCE

A Doctor's Viewpoint

Excerpts from a petition that was sent to a general conference by H. Frank Holman, M.D. from Belleville, Ill.

Dr. Holman, a pathologist, calls his microscope an extension of his right arm.

As a physician I would be remiss if I did not tell you that the U.S. Supreme Court could not have skipped over the fundamental matter of the unborn's right to life if it had not also ignored the latest medical evidence pertaining to the beginning of life. Each new discovery in the field of fetology reveals the amazing uniqueness and complexity of the life hidden within the mother's womb. Yet the Court, in its headlong rush to legalize abortion, blindly refused to recognize the existence of life prior to birth.

In this day of modern medicine there is seldom an instance when a mother's life is placed in jeopardy by her pregnancy. Likewise you should know that pregnancy resulting from rape is now a rare occurrence, provided the victim presents herself promptly for medical examination and treatment. The point which I would like to leave with you is that today very few abortions are performed for medical indications—while hundreds of thousands are done for purely "social reasons."

To fully understand the Court's thrust on abortion it must be remembered that the laws of all the fifty states provided that therapeutic abortions could be legally performed if the mother's life were in danger. In addition, many states had changed their laws in recent years to permit abortion for the protection of the mother's mental health, for rape or incest, and also whenever there was reasonable evidence that the fetus might be born with an incapacitating physical deformity or mental deficiency. These laws were all overturned by a Court bent upon unlimited abortion, even at the expense of the state's laws.

An even more alarming aspect of the Court's decision is its unexpressed implication that some lives have more meaning than others (or that some are more human than others). And further—that the quality of life enters into the consideration of who shall have the right to life. The constitution was enacted to protect the fundamental rights of *all* the people, and the most precious of these is the right to life. By giving the mother, and her physician, the right to decide whether her unborn child shall have the right to life the Court has breached Constitutional safeguards that protected *all* human life. A precedent has now been established whereby similar reasoning can be used to justify denying other members of society their right to life.

Events are beginning to unfold that bring to mind the recent history of a certain European country which started down its road of horrors because of similar moral rationalizing. First it practiced abortion on demand. Then came "euthanasia" to free the taxpayers of the burden of providing care to the mentally and physically handicapped. The moral climate which such ethics and practices generated was finally culminated by extermination camps for others who were "less than human," i.e., non-Aryans, political prisoners, and any no longer useful to society.

It is time that we reminded ourselves that, as citizens of a democracy, it is *we* who are responsible for the conduct of our government. The founding fathers, believing the legislative power should rest with the people, drafted into the Constitution a procedure whereby its articles can be amended to bring the law of the land into conformity with the desires and beliefs of its citizens.

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Moral Majority, Inc.
499 S. Capitol St., Suite 101
Washington, D.C. 20003

Chapter 7
Appendix A

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

CONGRESSMAN McFADDEN'S SPEECH
on
THE FEDERAL RESERVE SYSTEM

Rep. Louis T. McFadden (R-Pa.) rose from office boy to become cashier and president of the First National Bank, Canton, Pa., before being elected to the U.S. Congress. There he served with distinction for 20 years, including 12 years as Chairman of the Committee on Banking and Currency, making him one of the foremost financial authorities in America. Relentlessly he fought for fiscal integrity and a return to constitutional government.

On June 10, 1932, in the midst of the Great Depression, he addressed the House of Representatives. His historic speech was included in his testimony later before the Rules Committee, in connection with his Herculean efforts to obtain a sweeping investigation of the entire Federal Reserve System, and has been widely reprinted since then.

Here for the first time outside the Halls of Congress is the complete text of his powerful and prophetic message, as it appeared on pages 12595-12603 of the Congressional Record:

MR. McFADDEN. Mr. Chairman, at the present session of Congress we have been dealing with emergency situations. We have been dealing with the effect of things rather than with the cause of things. In this particular discussion I shall deal with some of the causes that lead up to these proposals. There are underlying principles which are responsible for conditions such as we have at the present time and I shall deal with one of these in particular which is tremendously important in the consideration that you are now giving to this bill.

Mr. Chairman, we have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks. The Federal Reserve Board, a government board, has cheated the Government of the United States, and the people of the United States out of enough money to pay the national debt. The depredations and the iniquities of the Federal Reserve Board and the Federal Reserve banks acting together have cost this country enough money to pay the national debt several times over. This evil institution has impoverished and ruined the people of the United States; has bankrupted itself, and has practically bankrupted our government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Federal Reserve Board, and through the corrupt practices of the moneyed vultures who control it.

Some people think the Federal Reserve banks are United States Government institutions. They are not government institutions. They are private credit monopolies which prey upon the people of the United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders. In that dark crew of financial pirates there are those who would cut a man's throat to get a dollar out of his pocket; there are those who send money into states to buy votes to control our legislation; and there are those who maintain an international propaganda for the purpose of deceiving us

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and of wheedling us into the granting of new concessions which will permit them cover up their past misdeeds and set again in motion their gigantic train of cri

Those 12 private credit monopolies were deceitfully and disloyally foisted on this country by bankers who came here from Europe and who repaid us for our h pitality by undermining our American institutions. Those bankers took money out this country to finance Japan in a war against Russia. They created a reign of ror in Russia with our money in order to help that war along. They instigated t separate peace between Germany and Russia and thus drove a wedge between the all in the World War. They financed Trotsky's mass meetings of discontent and rebel in New York. They paid Trotsky's passage from New York to Russia so that he mig assist in the destruction of the Russian Empire. They fomented and instigated t Russian revolution and they placed a large fund of American dollars at Trotsky' disposal in one of their branch banks in Sweden so that through him Russian home might be thoroughly broken up and Russian children flung far and wide from their natural protectors. They have since begun the breaking up of American homes and the dispersal of American children.

It has been said that President Wilson was deceived by the attentions of t bankers and by the philanthropic poses they assumed. It has been said that when discovered the manner in which he had been misled by Colonel House, he turned a- gainst that busybody, that "holy monk" of the financial empire, and showed him t door. He had the grace to do that, and in my opinion he deserves great credit f it.

President Wilson died a victim of deception. When he came to the Presiden he had certain qualities of mind and heart which entitled him to a high place in the councils of this Nation; but there was one thing he was not and which he nev aspired to be; he was not a banker. He said that he knew very little about bank ing. It was, therefore, on the advice of others that the iniquitous Federal Res Act, the death warrant of American liberty, became law in his administration.

Mr. Chairman, there should be no partisanship in matters concerning the ba ing and currency affairs of this country, and I do not speak with any.

In 1912 the National Monetary Association, under the chairmanship of the l Senator Nelson W. Aldrich, made a report and presented a vicious bill called the National Reserve Association bill. This bill is usually spoken of as the Aldric bill. Senator Aldrich did not write the Aldrich bill. He was the tool, but not the accomplice, of the European-born bankers who for nearly 20 years had been scheming to set up a central bank in this country and who in 1912 had spend and were continuing to spend vast sums of money to accomplish their purpose.

The Aldrich bill was condemned in the platform upon which Theodore Rooseve was nominated in the year 1912, and in that same year, when Woodrow Wilson was nominated, the Democratic platform, as adopted at the Baltimore convention, expr ly stated: "We are opposed to the Aldrich plan for a central bank." This was pl language. The man who ruled the Democratic Party then promised the people that they were returned to power there would be no central bank established here whil they held the reins of government. Thirteen months later that promise was brok and the Wilson administration, under the tutelage of those sinister Wall Street figures who stood behind Colonel House, established here in our free country, th worm-eaten monarchical institution of the "king's bank" to control us from the t downward and to shackle us from the cradle to the grave. The Federal Reserve Ac destroyed our old and characteristic way of doing business; it discriminated

against our one-name commercial paper, the finest in the world; it set up the antiquated two-name paper, which is the present curse of this country, and which has wrecked every country which has ever given it scope; it fastened down upon this country the very tyranny from which the framers of the Constitution sought to save us.

One of the greatest battles for the preservation of this Republic was fought out here in Jackson's day, when the Second Bank of the United States, which was founded upon the same false principles as those which are exemplified in the Federal Reserve Act, was hurled out of existence. After the downfall of the Second Bank of the United States in 1837, the country was warned against the dangers that might ensue if the predatory interests, after being cast out, should come back in disguise and unite themselves to the Executive, and through him acquire control of the government. That is what the predatory interests did when they came back in the livery of hypocrisy and under false pretenses obtained the passage of the Federal Reserve Act.

The danger that the country was warned against came upon us and is shown in the long train of horrors attendant upon the affairs of the traitorous and dishonest Federal Reserve Board and the Federal Reserve banks. Look around you when you leave this chamber and you will see evidences of it on all sides. This is an era of economic misery and for the conditions that caused that misery, the Federal Reserve Board and the Federal Reserve banks are fully liable. This is an era of financed crime and in the financing of crime, the Federal Reserve Board does not play the part of a disinterested spectator.

It has been said that the draughtsman who was employed to write the text of the Federal Reserve bill used the text of the Aldrich bill for his purpose. It has been said that the language of the Aldrich bill was used because the Aldrich bill had been drawn up by expert lawyers and seemed to be appropriate. It was indeed drawn up by lawyers. The Aldrich bill was created by acceptance bankers of European origin in New York City. It was a copy and in general a translation of the statutes of the Reichsbank and other European central banks.

Half a million dollars was spent on one part of the propaganda organized by those same European bankers for the purpose of misleading public opinion in regard to it, and for the purpose of giving Congress the impression that there was an overwhelming popular demand for that kind of banking legislation and the kind of currency that goes with it, namely, an asset currency based on human debts and obligations instead of an honest currency based on gold and silver values. Dr. H. Parker Willis had been employed by the Wall Street bankers and propagandists and when the Aldrich measure came to naught and he obtained employment from Carter Glass to assist in drawing a banking bill for the Wilson administration, he appropriated the text of the Aldrich bill for his purpose. There is no secret about it. The text of the Federal Reserve Act was tainted from the beginning.

Not all of the Democratic Members of the Sixty-third Congress voted for this great deception. Some of them remembered the teachings of Jefferson; and through the years, there have been no criticism of the Federal Reserve Board and the Federal Reserve banks so honest, so outspoken, and so unsparing as those which have been voiced here by Democrats. Again although a number of Republicans voted for the Federal Reserve Act, the wisest and most conservative members of the Republican party would have nothing to do with it and voted against it. A few days before the bill came to a vote, Sen. Henry Cabot Lodge, of Massachusetts, wrote to Sen. John W. Weeks as follows:

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New York City, December 17, 1913

My dear Senator Weeks: * * *Throughout my public life I have supported all measures designed to take the government out of the banking business * * * This bill puts the government into the banking business as never before in our history and makes, as I understand it, all notes government notes when they should be bank notes.

The powers vested in the Federal Reserve Board seem to me highly dangerous, especially where there is political control of the board. I should be sorry to hold stock in a bank subject to such domination. The bill as it stands seems to me to open the way to a vast inflation of the currency. There is no necessity of dwelling upon this point after the remarkable and most powerful argument of the senior Senator from New York. I can be content here to follow the example of the English candidate for Parliament who thought it enough "to say ditto to Mr. Burke." I will merely add that I do not like to think that any law can be passed which will make it possible to submerge the gold standard in a flood of irredeemable paper currency.

I had hoped to support this bill, but I cannot vote for it as it stands, because it seems to me to contain features and to rest upon principles in the highest degree menacing to our prosperity, to stability in business, and to the general welfare of the people of the United States.

Very sincerely yours,

Henry Cabot Lodge.

In the 18 years which have passed since Senator Lodge wrote that letter of warning all of his predictions have come true. The government is in the banking business as never before. Against its will it has been made the backer of horse-thieves and card sharps, bootleggers, smugglers, speculators, and swindlers in all parts of the world. Through the Federal Reserve Board and the Federal Reserve banks the riffraff of every country is operating on the public credit of the United States Government. Meanwhile, and on account of it, we ourselves are in the midst of the greatest depression we have ever known. Thus the menace to our prosperity, so feared by Senator Lodge, has indeed struck home. From the Atlantic to the Pacific our country has been ravaged and laid waste by the evil practices of the Federal Reserve Board and the Federal Reserve banks and the interests which control them. At no time in our history has the general welfare of the people of the United States been at a lower level or the mind of the people so filled with despair.

Recently in one of our states 60,000 dwelling houses and farms were brought under the hammer in a single day. According to the Rev. Father Charles E. Coughlin, who has lately testified before a committee of this House, 71,000 houses and farms in Oakland County, Mich. have been sold and their erstwhile owners dispossessed. Similar occurrences have probably taken place in every county in the United States. The people who have thus been driven out are the wastage of the Federal Reserve Act. They are the victims of the dishonest and unscrupulous Federal Reserve Board and the Federal Reserve banks. Their children are the new slaves of the auction block in the revival here of the institution of human slavery.

In 1913, before the Senate Banking and Currency Committee, Mr. Alexander Lassen made the following statement:

"But the whole scheme of a Federal Reserve bank with its commercial-paper basis is an impractical cumbersome machinery, is simply a cover, to find a way to secure the privilege of issuing money and to evade payment of as much tax upon circulation as possible, and then control the issue and maintain, instead of reduce,

interest rates. It is a system that, if inaugurated, will prove to the advantage of the few and the detriment of the people of the United States. It will mean continued shortage of actual money and further extension of credits; for when there is a lack of real money people have to borrow credit to their cost."

A few days before the Federal Reserve Act was passed Sen. Elihu Root denounced the Federal Reserve bill as an outrage on our liberties and made the following prediction:

"Long before we wake up from our dreams of prosperity through an inflated currency, our gold, which alone could have kept us from catastrophe, will have vanished and no rate of interest will tempt it to return."

If ever a prophecy came true, that one did. It was impossible, however, for those luminous and instructed thinkers to control the course of events. On December 23, 1913, the Federal Reserve bill became law and that night Colonel House wrote to his hidden master in Wall Street as follows:

"I want to say a word of appreciation to you for the silent but no doubt effective work you have done in the interest of currency legislation and to congratulate you that the measure has finally been enacted into law. We all know that an entirely perfect bill, satisfactory to everybody, would have been an impossibility, and I feel quite certain fair men will admit that unless the President had stood as firm as he did we should likely have had no legislation at all. The bill is a good one in many respects; anyhow, good enough to start with and to let experience teach us in what direction it needs perfection, which in due time we shall then get. In any event you have personally good reason to feel gratified with what has been accomplished"

The words "unless the President had stood as firm as he did we should likely have had no legislation at all", were a gentle reminder that it was Colonel House himself, the "holy monk", who had kept the President firm.

The foregoing letter affords striking evidence of the manner in which the predatory interests then sought to control the Government of the United States by surrounding the Executive with the personality and the influence of a financial Judas. Left to itself and to the conduct of its own legislative function without pressure from the Executive, the Congress would not have passed the Federal Reserve Act. According to Colonel House, and since this was his report to his master, we may believe it to be true, the Federal Reserve Act was passed because Wilson stood firm; in other words because Wilson was under the guidance and control of the most ferocious usurers in New York through their hireling, House. The Federal Reserve Act became law the day before Christmas Eve in the year 1913, and shortly afterwards the German international bankers, Kuhn, Loeb & Co., sent one of their partners here to run it.

In 1913, when the Federal Reserve bill was submitted to the Democratic caucus, there was a discussion in regard to the form the proposed paper currency should take.

The proponents of the Federal Reserve Act, in their determination to create a new kind of paper money, had not needed to go outside of the Aldrich bill for a model. By the terms of the Aldrich bill, bank notes were to be issued by the National Reserve Association and were to be secured partly by gold or lawful money and partly by circulating evidences of debt. The first draft of the Federal Reserve

bill presented the same general plan, that is, for bank notes as opposed to government notes, but with certain differences of regulation.

When the provision for the issuance of Federal Reserve Notes was placed before President Wilson he approved of it, but other Democrats were more mindful of Democratic principles and a great protest greeted the plan. Foremost amongst those who denounced it was William Jennings Bryan, the Secretary of State. Bryan wished to have the Federal Reserve Notes issued as government obligations. President Wilson had an interview with him and found him adamant. At the conclusion of the interview Bryan left with the understanding that he would resign if the notes were made bank notes. The President then sent for his Secretary and explained the matter to him. Mr. Tumulty went to see Bryan and Bryan took from his library shelves a book containing all the Democratic platforms and read extracts from them bearing on the matter of the public currency. Returning to the President, Mr. Tumulty told him what had happened and ventured the opinion that Mr. Bryan was right and that Mr. Wilson was wrong. The President then asked Mr. Tumulty to show him where the Democratic Party in its national platforms had ever taken the view indicated by Bryan. Mr. Tumulty gave him the book, which he had brought from Bryan's house, and the President read very carefully plank after plank on the currency. He then said, "I am convinced there is a great deal in what Mr. Bryan says," and thereupon it was arranged that Mr. Tumulty should see the proponents of the Federal Reserve bill in an effort to bring about an adjustment of the matter.

The remainder of this story may be told in the words of Senator Glass. Concerning Bryan's opposition to the plan of allowing the proposed Federal Reserve Notes to take the form of bank notes and the manner in which President Wilson and the proponents of the Federal Reserve bill yielded to Bryan in return for his support of the measure, Senator Glass makes the following statement:

"The only other feature of the currency bill around which a conflict raged at this time was the note-issue provision. Long before I knew it, the President was desperately worried over it. His economic good sense told him the notes should be issued by the banks and not by the government; but some of his advisers told him Mr. Bryan could not be induced to give his support to any bill that did not provide for a 'Government Note". There was in the Senate and House a large Bryan following which, united with a naturally adversary party vote, could prevent legislation. Certain overconfident gentlemen proffered their services in the task of 'managing Bryan'. They did not budge him. * * * When a decision could no longer be postponed the President summoned me to the White House to say he wanted Federal Reserve Notes to "be obligations of the United States.' I was for an instant speechless. With all the earnestness of my being I remonstrated, pointing out the unscientific nature of such a thing, as well as the evident inconsistency of it.

"There is not, in truth, any Government obligation here, Mr. President.' I exclaimed. 'It would be a pretense on its face. Was there ever a government note based primarily on the property of banking institutions? Was there ever a government issue not one dollar of which could be put out except by demand of a bank? The suggested government obligation is so remote it could never be discerned,' I concluded, out of breath.

"Exactly so, Glass,' earnestly said the President. 'Every word you say is true; the government liability is a mere thought. And so, if we can hold to the substance of the thing and give the other fellow the shadow, why not do it, if thereby we may save our bill?'"

Shadow and substance! One can see from this how little President Wilson knew about banking. Unknowingly, he gave the substance to the international banker and the shadow to the common man. Thus was Bryan circumvented in his efforts to uphold the Democratic doctrine of the rights of the people. Thus the "unscientific blur" upon the bill was perpetrated. The "unscientific blur", however, was not the fact that the United States Government, by the terms of Bryan's edict, was obliged to assume as an obligation whatever currency was issued. Mr. Bryan was right when he insisted that the United States should preserve its sovereignty over the public currency. The "unscientific blur" was the nature of the currency itself, a nature which makes it unfit to be assumed as an obligation of the United States Government. It is the worst currency and the most dangerous this country has ever known. When the proponents of the act saw that Democratic doctrine would not permit them to let the proposed banks issue the new currency as bank notes, they should have stopped at that. They should not have foisted that kind of currency, namely, an asset currency, on the United States Government. They should not have made the government liable on the private debts of individuals and corporations and, least of all, on the private debts of foreigners.

The Federal Reserve Note is essentially unsound.

As Kemmerer says:

"The Federal Reserve Notes, therefore, in form have some of the qualities of government paper money, but, in substance, are almost a pure asset currency possessing a government guaranty against which contingency the government has made no provision whatever."

Hon. E.J.Hill, a former Member of the House, said, and truly:

"* * * They are obligations of the government for which the United States has received nothing and for the payment of which at any time it assumes the responsibility looking to the Federal Reserve Bank to recoup itself."

If the United States Government is to redeem the Federal Reserve Notes when the general public finds out what it costs to deliver this flood of paper money to the 12 Federal Reserve banks, and if the government has made no provision for redeeming them, the first element of their unsoundness is not far to seek.

Before the Senate Banking and Currency Committee, while the Federal Reserve bill was under discussion, Mr. Crozier, of Cincinnati, said:

"In other words, the imperial power of elasticity of the public currency is wielded exclusively by these central corporations owned by the banks. This is a life and death power over all local banks and all business. It can be used to create or destroy prosperity, to ward off or cause stringencies and panics. By making money artificially scarce interest rates throughout the country can be arbitrarily raised and the bank tax on all business and cost of living increased for the profit of the banks owning these regional central banks, and without the slightest benefit to the people. These 12 corporations together cover the whole country and monopolize and use for private gain every dollar of the public currency and all public revenues of the United States. Not a dollar can be put into circulation among the people by their Government without the consent of and on terms fixed by these 12 private money trusts."

In defiance of this and all other warnings, the proponents of the Federal Reserve Act created the 12 private credit corporations and gave them an absolute

anti-trust

monopoly of the currency of the United States, not of Federal Reserve Notes alone, but of all the currency, the Federal Reserve Act providing ways by means of which the gold and general currency in the hands of the American people could be obtained by the Federal Reserve banks in exchange for Federal Reserve Notes, which are not money but merely promises to pay money. Since the evil day when this was done the initial monopoly has been extended by vicious amendments to the Federal Reserve Act and by the unlawful practices of the Federal Reserve Board and the Federal Reserve banks.

Mr. Chairman, when a Chinese merchant sells human hair to a Paris wigmaker and bills him in dollars, the Federal Reserve banks can buy his bill against the wigmaker and then use that bill as collateral for Federal Reserve Notes. The United States Government thus pays the Chinese merchant the debt of the wigmaker and gets nothing in return except a shady title to the Chinese hair.

Mr. Chairman, if a Scotch distiller wishes to send a cargo of Scotch whisky to the United States, he can draw his bill against the purchasing bootlegger in dollars; and after the bootlegger has accepted it by writing his name across the face of it, the Scotch distiller can send that bill to the nefarious open discount market in New York City, where the Federal Reserve Board and the Federal Reserve banks will buy it and use it as collateral for a new issue of Federal Reserve Notes. Thus the Government of the United States pays the Scotch distiller for the whisky before it is shipped; and if it is lost on the way, or if the Coast Guard seizes it and destroys it, the Federal Reserve banks simply write off the loss and the government never recovers the money that was paid to the Scotch distiller. While we are attempting to enforce prohibition here, the Federal Reserve Board and the Federal Reserve banks are financing the distillery business in Europe and are paying bootleggers' bills with the public credit of the United States Government.

Mr. Chairman, if a German brewer ships beer to this country or anywhere else in the world and draws his bill for it in dollars, the Federal Reserve banks will buy that bill and use it as collateral for Federal Reserve Notes. Thus, they compel our government to pay the German brewer for his beer. Why should the Federal Reserve Board and the Federal Reserve banks be permitted to finance the brewing industry of Germany, either in this way or as they do by compelling small and fearful United States banks to take stock in the Isenbeck brewery and in the German bank for brewing industries?

Mr. Chairman, if Dynamit Nobel of Germany wishes to sell dynamite to Japan to use in Manchuria or elsewhere, it can draw its bill against its Japanese customers in dollars and send that bill to the nefarious open discount market in New York City, where the Federal Reserve Board and the Federal Reserve banks will buy it and use it as collateral for a new issue of Federal Reserve Notes, while at the same time the Federal Reserve Board will be helping Dynamit Nobel by stuffing its stock into the United States banking system. Why should we send our representatives to the disarmament conference at Geneva while the Federal Reserve Board and the Federal Reserve banks are making our government pay Japanese debts to German munition makers?

Mr. Chairman, if a bean grower of Chile wishes to raise a crop of beans and sell them to a Japanese customer, he can draw a bill against his prospective Japanese customer in dollars and have it purchased by the Federal Reserve Board and the Federal Reserve banks and get the money out of this country at the expense of the American public before he has even planted the beans in the ground.

Mr. Chairman, if a German in Germany wishes to export goods to South America or anywhere else, he can draw his bill against his customer and send it to the United States and get the money out of this country before he ships or even manufactures the goods.

Mr. Chairman, why should the currency of the United States be issued on the strength of Chinese human hair? Why should it be issued on the trade whims of a wigmaker? Why should it be issued on the strength of German beer? Why should it be issued on a crop of unplanted beans to be grown in Chile for Japanese consumption? Why should the Government of the United States be compelled to issue many billions of dollars every year to pay the debts of one foreigner to another foreigner? Was it for this that our national-bank depositors had their money taken out of our banks and shipped abroad? Was it for this they had to lose it? Why should the public credit of the United States Government and likewise money belonging to our national-bank depositors be used to support foreign brewers, narcotic drug vendors, whisky distillers, wigmakers, human-hair merchants, Chilean bean growers, and the like? Why should our national-bank depositors and our government be forced to finance the munition factories of Germany and Soviet Russia?

Mr. Chairman, if a German, in Germany, wishes to sell wheelbarrows to another German, he can draw a bill in dollars and get the money out of the Federal Reserve banks before an American farmer could explain his request for a loan to move his crop to market. In Germany, when credit instruments are being given, the creditors say, "See you, it must be of a kind that I can cash at the reserve." Other foreigners feel the same way. The reserve to which these gentry refer is our reserve, which, as you know, is entirely made up of money belonging to American bank depositors. I think foreigners should cash their own trade paper and not send it over here to bankers who use it to fish cash out of the pockets of the American people.

Mr. Chairman, there is nothing like the Federal reserve pool of confiscated bank deposits in the world. It is a public trough of American wealth in which foreigners claim rights equal to or greater than those of Americans. The Federal Reserve banks are the agents of the foreign central banks. They use our bank depositors' money for the benefit of their foreign principals. They barter the public credit of the United States Government and hire it out to foreigners at a profit to themselves.

All this is done at the expense of the United States Government, and at a sickening loss to the American people. Only our great wealth enabled us to stand the drain of it as long as we did.

I believe that the nations of the world would have settled down after the World War more peacefully if we had not had this standing temptation here—this pool of our bank depositors' money given to private interests and used by them in connection with illimitable drafts upon the public credit of the United States Government. The Federal Reserve Board invited the world to come in and to carry away cash, credit, goods, and everything else of value that was movable. Values amounting to many billions of dollars have been taken out of this country by the Federal Reserve Board and the Federal Reserve banks for the benefit of their foreign principals. The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While this crime was being perpetrated everything the world could rake up to sell us was brought in here at our own expense by the Federal Reserve Board and the Federal Reserve banks

until our markets were swamped with unneeded and unwanted imported goods priced far above their value and thus made to equal the dollar volume of our honest exports and to kill or reduce our favorable balance of trade. As agents of the foreign central banks, the Federal Reserve Board and the Federal Reserve banks fry by every means within their power to reduce our favorable balance of trade. They act for their foreign principals and they accept fees from foreigners for acting against the best interests of the United States. Naturally there has been great competition among foreigners for the favors of the Federal Reserve Board.

What we need to do is to send the reserves of our national banks home to the people who earned and produced them and who still own them and to the banks which were compelled to surrender them to predatory interests. We need to destroy the Federal Reserve pool, wherein our national-bank reserves are impounded for the benefit of foreigners. We need to make it very difficult for outlanders to draw money away from us. We need to save America for Americans.

Mr. Chairman, when you hold a $10 Federal Reserve Note in your hand you are holding a piece of paper which sooner or later is going to cost the United States Government $10 in gold, unless the government is obliged to give up the gold standard. It is protected by a reserve of 40 per cent, or $4 in gold. It is based on Limburger cheese, reputed to be in a foreign warehouse; or on cans purporting to contain peas but which may contain no peas but salt water instead; or on horse meat; illicit drugs; bootleggers' fancies; rags and bones from Soviet Russia of which the United States imported over a million dollars' worth last year; on wine, whisky, natural gas, on goat or dog fur, garlic on the string, or Bombay ducks. If you like to have paper money which is secured by such commodities, you have it in the Federal Reserve Note. If you desire to obtain the thing of value upon which this paper currency is based--that is, the Limburger cheese, the whisky, the illicit drugs, or any of the other staples--you will have a very hard time finding them. Many of these worshipful commodities are in foreign countries. Are you going to Germany to inspect her warehouses to see if the specified things of value are there? I think not. And what is more, I do not think you would find them if you did go.

Immense sums belonging to our national-bank depositors have been given to Germany on no collateral security whatever. The Federal Reserve Board and the Federal Reserve banks have issued United States currency on mere finance drafts drawn by Germans. Billions upon billions of our money has been pumped into Germany and money is still being pumped into Germany by the Federal Reserve Board and the Federal Reserve banks. Her worthless paper is still being negotiated here and renewed here on the public credit of the United States Government and at the expense of the American people. On April 27, 1932, the Federal Reserve outfit sent $750,000, belonging to American bank depositors, in gold to Germany. A week later, another $300,000 in gold was shipped to Germany in the same way. About the middle of May $12,000,000 in gold was shipped to Germany by the Federal Reserve Board and the Federal Reserve banks. Almost every week there is a shipment of gold to Germany. These shipments are not made for profit on exchange since German marks are below parity against the dollar.

Mr. Chairman, I believe that the national-bank depositors of the United States are entitled to know what the Federal Reserve Board and the Federal Reserve banks are doing with their money. There are millions of national-bank depositors in this country who do not know that a percentage of every dollar they deposit in a member bank of the Federal Reserve System goes automatically to the American agents of foreign banks and that all of their deposits can be paid away to foreigners

without their knowledge or consent by the crooked machinery of the Federal Reserve Act and the questionable practices of the Federal Reserve Board and the Federal Reserve banks. Mr. Chairman, the American people should be told the truth by their servants in office.

In 1930 we had over half a billion dollars outstanding daily to finance foreign goods stored in or shipped between foreign countries. In its yearly total, this item amounts to several billion dollars. What goods are those upon which the Federal Reserve banks yearly pledge several billion dollars of the public credit of the United States? What goods are those which are hidden in European and Asiatic storehouses and which have never been seen by any officer of this government, but which are being financed on the public credit of the United States Government? What goods are those upon which the United States Government is being obliged by the Federal Reserve banks to issue Federal Reserve Notes to the extent of several billion dollars a year?

The Federal Reserve Board and the Federal Reserve banks have been international bankers from the beginning, with the United States Government as their enforced banker and supplier of currency. But it is nonetheless extraordinary to see those 12 private credit monopolies buying the debts of foreigners against foreigners in all parts of the world and asking the Government of the United States for new issues of Federal Reserve Notes in exchange for them.

I see no reason why the American taxpayers should be hewers of wood and drawers of water for the European and Asiatic customers of the Federal Reserve banks. I see no reason why a worthless acceptance drawn by a foreign swindler as a means of getting gold out of this country should receive the lowest and choicest rate from the Federal Reserve Board and be treated as better security than the note of an American farmer living on American land.

The magnitude of the acceptance racket, as it has been developed by the Federal Reserve banks, their foreign correspondents, and the predatory European-born bankers who set up the Federal Reserve institution here and taught our own brand of pirates how to loot the people--I say the magnitude of this racket is estimated to be in the neighborhood of $9,000,000,000 a year. In the past ten years it is said to have amounted to $90,000,000,000. In my opinion, it has amounted to several times as much. Coupled with this you have, to the extent of billions of dollars, the gambling in United States securities, which takes place in the same open discount market--a gample upon which the Federal Reserve Board is now spending $100,000,000 a week.

Federal Reserve Notes are taken from the United States Government in unlimited quantities. Is it strange that the burden of supplying these immense sums of money to the gambling fraternity has at last proved too heavy for the American people to endure? Would it not be a national calamity if the Federal Reserve Board and the Federal Reserve banks should again bind this burden down on the backs of the American people and, by means of the long rawhide whips of the credit masters, compel them to enter upon another 17 years of slavery? They are trying to do that now. They are taking $100,000,000 on the public credit of the United States Government every week in addition to all their other seizures, and they are spending that money in the nefarious open market in New York City in a desperate gamble to reestablish their graft as a going concern.

They are putting the United States Government in debt to the extent of $100,000,000 a week, and with this money they are buying up our government securities for themselves and their foreign principals. Our people are disgusted with the experiments of the Federal Reserve Board. The Federal Reserve Board is not producing a loaf of bread, a yard of cloth, a bushel of corn, or a pile of cordwood by its check-kiting operations in the money market.

A fortnight or so ago great aid and comfort was given to Japan by the firm of A. Gerli & Sons, of New York, an importing firm, which bought $15,000,000 worth of raw silk from the Japanese Government. Federal Reserve Notes will be issued to pay that amount to the Japanese Government, and these notes will be secured by money belonging to our national-bank depositors.

Why should United States currency be issued on this debt? Why should United States currency be issued to pay the debt of Gerli & Sons to the Japanese Government? The Federal Reserve Board and the Federal Reserve banks think more of the silkworms of Japan than they do of American citizens. We do not need $16,000,000 worth of silk in this country at the present time, not even to furnish work to dyers and finishers. We need to wear home-grown and American-made clothes and to use our own money for our own goods and staples. We could spend $16,000,000 in the United States of America on American children and that would be a better investment for us than Japanese silk purchased on the public credit of the United States Government.

Mr. Speaker, on the 13th of January of this year I addressed the House on the subject of the Reconstruction Finance Corporation. In the course of my remarks I made the following statement:

"In 1928 the member banks of the Federal Reserve System borrowed $60,598,690,000 from the Federal Reserve banks on their 15-day promissory notes. Think of it! Sixty billion dollars payable upon demand in gold in the course of one single year. The actual payment of such obligation calls for six times as much monetary gold as there is in the entire world. Such transactions represent a grant in the course of one single year of about $7,000,000 to every member bank of the Federal Reserve System. Is it any wonder that there is a depression in this country? Is it any wonder that American labor, which ultimately pays the cost of all the banking operations of this country, has at last proved unequal to the task of supplying this huge total of cash and credit for the benefit of stock-market manipulators and foreign swindlers?"

Mr. Chairman, some of my colleagues have asked for more specific information concerning this stupendous graft, this frightful burden which has been placed on the wage earners and taxpayers of the United States for the benefit of the Federal Reserve Board and the Federal Reserve banks. They were surprised to learn that member banks of the Federal Reserve System had received the enormous sum of $60,598,690,000 from the Federal Reserve Board and the Federal Reserve banks on their promissory notes in the course of one single year, namely, 1928. Another Member of this House, Mr. Beedy, the honorable gentleman from Maine, has questioned the accuracy of my statement and has informed me that the Federal Reserve Board denies absolutely that these figures are correct. This Member has said to me that the thing is unthinkable, that it cannot be, that it is beyond all reason to think that the Federal Reserve Board and the Federal Reserve banks should have so subsidized and endowed their favorite banks of the Federal Reserve System. This Member is horrified at the thought of a graft so great, a bounty so detrimental to the public welfare as

sixty and a half billion dollars a year and more shoveled out to favored banks of the Federal Reserve System.

I sympathize with Mr. Beedy. I would spare him pain if I could, but the facts remain as I have stated them. In 1928, the Federal Reserve Board and the Federal Reserve banks presented the staggering amount of $60,598,690,000 to their member banks at the expense of the wage earners and taxpayers of the United States. In 1929, the year of the stockmarket crash, the Federal Reserve Board and the Federal Reserve banks advanced fifty-eight billions to member banks.

In 1930, while the speculating banks were getting out of the stock market at the expense of the general public, the Federal Reserve Board and the Federal Reserve banks advanced them $13,022,782,000. This shows that when the banks were gambling on the public credit of the United States Government as represented by Federal Reserve currency, they were subsidized to any amount they required by the Federal Reserve Board and the Federal Reserve banks. When the swindle began to fail, the banks knew it in advance and withdrew from the market. They got out with whole skins and left the people of the United States to pay the piper.

On November 2, 1931, I addressed a letter to the Federal Reserve Board asking for the aggregate total of member bank borrowings in the years 1928, 1929, 1930. In due course, I received a reply from the Federal Reserve Board, dated November 9, 1931, the pertinent part of which reads as follows:

My Dear Congressman: In reply to your letter of November 2, you are advised that the aggregate amount of 15-day promissory notes of member banks during each of the past three calendar years has been as follows:

1928.	$60,598,690,000
1929	58,046,697,000
1930	13,022,782,000

* * * * *

Very truly yours,
Chester Morrill, Secretary.

This will show the gentleman from Maine the accuracy of my statement. As for the denial of these facts made to him by the Federal Reserve Board, I can only say that it must have been prompted by fright, since hanging is too good for a government board which permitted such a misuse of government funds and credit.

My friend from Kansas, Mr. McGugin, has stated that he thought the Federal Reserve Board and the Federal Reserve banks lent money by rediscounting. So they do, but they lend comparatively little that way. The real rediscounting that they do has been called a mere penny in the slot business. It is too slow for genuine high flyers. They discourage it. They prefer to subsidize their favorite banks by making these $60,000,000,000 advances, and they prefer to acquire acceptances in the notorious open discount market in New York, where they can use them to control the prices of stocks and bonds on the exchanges. For every dollar they advanced on rediscounts in 1928 they lent $33 to their favorite banks for gambling purposes. In other words, their rediscounts in 1928 amounted to $1,814,271,000, while their loans to member banks amounted to $60,598,690,000. As for their open-market operations, these are on a stupendous scale, and no tax is paid on the acceptances they handle; and their foreign principals, for whom they do a busin[illegible] of several billion dollars every year, pay no income tax on their profits to the United States Government.

This is the John Law swindle over again. The theft of Teapot Dome was trifling compared to it. What king ever robbed his subjects to such an extent as the Federal Reserve Board and the Federal Reserve banks have robbed us? Is it any wonder that there have lately been 90 cases of starvation in one of the New York hospitals? Is it any wonder that the children of this country are being dispersed and abandoned?

The government and the people of the United States have been swindled by swindlers de luxe to whom the acquisition of American gold or a parcel of Federal Reserve Notes presented no more difficulty than the drawing up of a worthless acceptance in a country not subject to the laws of the United States, by sharpers not subject to the jurisdiction of the United States courts, sharpers with a strong banking "fence" on this side of the water--a "fence" acting as a receiver of the worthless paper coming from abroad, indorsing it and getting the currency out of the Federal Reserve banks for it as quickly as possible, exchanging that currency for gold, and in turn transmitting the gold to its foreign confederates.

Such were the exploits of Ivar Kreuger, Mr. Hoover's friend, and his hidden Wall Street backers. Every dollar of the billions Kreuger and his gang drew out of this country on acceptances was drawn from the government and the people of the United States through the Federal Reserve Board and the Federal Reserve banks. The credit of the United States Government was peddled to him by the Federal Reserve Board and the Federal Reserve banks for their own private gain. That is what the Federal Reserve Board and the Federal Reserve banks have been doing for many years. They have been peddling the credit of this government and the signature of this government to the swindlers and speculators of all nations. That is what happens when a country forsakes its Constitution and gives its sovereignty over the public currency to private interests. Give them the flag and they will sell it.

The nature of Kreuger's organized swindle and the bankrupt condition of Kreuger's combine was known here last June when Hoover sought to exempt Kreuger's loan to Germany of one hundred twenty-five millions from the operation of the Hoover moratorium. The bankrupt condition of Kreuger's swindle was known here last summer when $30,000,000 was taken from American taxpayers by certain bankers in New York for the ostensible purpose of permitting Kreuger to make a loan to Colombia. Colombia never saw that money. The nature of Kreuger's swindle and the bankrupt condition of Kreuger was known here in January when he visited his friend, Mr. Hoover, at the White House. It was known here in March before he went to Paris and committed suicide there.

Mr. Chairman, I think the people of the United States are entitled to know how many billions of dollars were placed at the disposal of Kreuger and his gigantic combine by the Federal Reserve Board and the Federal Reserve banks and to know how much of our government currency was issued and lost in the financing of that great swindle in the years during which the Federal Reserve Board and the Federal Reserve banks took care of Kreuger's requirements.

Mr. Chairman, I believe there should be a congressional investigation of the operation of Kreuger and Toll in the United States and that Swedish Match, International Match, the Swedish-American Investment Corporation, and all related enterprises, including the subsidiary companies of Kreuger and Toll, should be investigated and that the issuance of United States currency in connection with those enterprises and the use of our national-bank depositors' money for Kreuger's benefit should be made known to the general public. I am referring, not only to the securities which were floated and sold in this country, but also to the commercial loans

to Kreuger's enterprises and the mass financing of Kreuger's companies by the Federal Reserve Board and the Federal Reserve banks and the predatory institutions which the Federal Reserve Board and the Federal Reserve banks shield and harbor.

A few days ago the President of the United States, with a white face and shaking hands, went before the Senate on behalf of the moneyed interests and asked the Senate to levy a tax on the people so that foreigners might know that the United States would pay its debts to them. Most Americans thought that it was the other way around. What does the United States owe to foreigners? When and by whom was the debt incurred? It was incurred by the Federal Reserve Board and the Federal Reserve banks when they peddled the signature of this government to foreigners for a price. It is what the United States Government has to pay to redeem the obligations of the Federal Reserve Board and the Federal Reserve banks. Are you going to let those thieves get off scot free? Is there one law for the looter who drives up to the door of the United States Treasury in his limousine and another for the United States veterans who are sleeping on the floor of a dilapidated house on the outskirts of Washington?

The Baltimore & Ohio Railroad is here asking for a large loan from the people and the wage earners and the taxpayers of the United States. It is begging for a handout from the government. It is standing, cap in hand, at the door of the Reconstruction Finance Corporation, where all the other jackals have gathered to the feast. It is asking for money that was raised from the people by taxation, and it wants this money of the poor for the benefit of Kuhn, Loeb & Co., the German international bankers. Is there one law for the Baltimore & Ohio Railroad and another for the needy veterans it threw off its freight cars the other day? Is there one law for sleek and prosperous swindlers who call themselves bankers and another law for the soldiers who defended the United States flag?

Mr. Chairman, some people are horrified because the collateral behind Kreuger and Toll debentures was removed and worthless collateral substituted for it. What is this but what is being done daily by the Federal Reserve banks? When the Federal Reserve Act was passed, the Federal Reserve banks were allowed to substitute "other like collateral" for collateral behind Federal Reserve Notes but by an amendment obtained at the request of the corrupt and dishonest Federal Reserve Board, the act was changed so that the word "like" was stricken out. All that immense trouble was taken here in Congress so that the law would permit the Federal Reserve banks to switch collateral. At the present time behind the scenes in the Federal Reserve banks there is a night-and-day movement of collateral. A visiting Englishman, leaving the United States a few weeks ago, said that things would look better here after "they cleaned up the mess at Washington". Cleaning up the mess consists in fooling the people and making them pay a second time for the bad foreign investments by the Federal Reserve Board and the Federal Reserve banks. It consists in moving that heavy load of dubious and worthless foreign paper--the bills of wigmakers, brewers, distillers, narcotic-drug vendors, munition makers, illegal finance drafts, and worthless foreign securities, out of the banks and putting it on the back of American labor. That is what the Reconstruction Finance Corporation is doing now. They talk about loans to banks and railroads but they say very little about that other business of theirs which consists in relieving the swindlers who promoted investment trusts in this country and dumped worthless foreign securities into them and then resold that mess of pottage to American investors under cover of their own corporate titles. The Reconstruction Finance Corporation is taking over those worthless securities from those investment trusts with United States Treasury

money at the expense of the American taxpayer and wage earner.

It will take us 20 years to redeem our government, 20 years of penal servitude to pay off the gambling debts of the traitorous Federal Reserve Board and the Federal Reserve banks and to earn again that vast flood of American wages and savings, bank deposits, and United States Government credit which the Federal Reserve Board and the Federal Reserve banks exported out of this country to their foreign principals.

The Federal Reserve Board and the Federal Reserve banks lately conducted an anti-hoarding campaign here. Then they took that extra money which they had persuaded the trusting American people to put into the banks and they sent it to Europe along with the rest. In the last several months, they have sent $1,300,000,000 in gold to their foreign employers, their foreign masters, and every dollar of that gold belonged to the people of the United States and was unlawfully taken from them.

Is not it high time that we had an audit of the Federal Reserve Board and the Federal Reserve banks and an examination of all our governments bonds and securities and public monies instead of allowing the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks to speculate with those securities and this cash in the notorious open discount market of New York City?

Mr. Chairman, within the limits of the time allowed me, I cannot enter into a particularized discussion of the Federal Reserve Board and the Federal Reserve banks. I have singled out the Federal Reserve currency for a few remarks because there has lately been some talk here of "fiat money." What kind of money is being pumped into the open discount market and through it into foreign channels and stock exchanges? Mr. Mills of the Treasury has spoken here of his horror of the printing presses and his horror of dishonest money. He has no horror of dishonest money. If he had, he would be no party to the present gambling of the Federal Reserve Board and the Federal Reserve banks in the nefarious open discount market of New York, a market in which the sellers are represented by ten great discount dealer corporations owned and organized by the very banks which own and control the Federal Reserve Board and the Federal Reserve banks. Fiat money, indeed!

After the several raids on the Treasury Mr. Mills borrows the speech of those who protested against those raids and speaks now with pretended horror of a raid on the Treasury. Where was Mr. Mills last October when the United States Treasury needed $598,000,000 of the taxpayers' money which was supposed to be in the safekeeping of Andrew W. Mellon in the designated depositories of Treasury funds, and which was not in those depositories when the Treasury needed it? Mr. Mills was the Assistant Secretary of the Treasury then, and he was at Washington throughout October, with the exception of a very significant week he spent at White Sulphur Springs closeted with international bankers, while the Italian minister, Signor Grandi, was being entertained—and bargained with—at Washington.

What Mr. Mills is fighting for is the preservation whole and entire of the bankers' monopoly of all the currency of the United States Government. What Mr. Patman proposes is that the government shall exercise its sovereignty to the extent of issuing some currency for itself. This conflict of opinion between Mr. Mills as the spokesman of the bankers and Mr. Patman as the spokesman of the people brings the currency situation here into the open. Mr. Patman and the veterans are confronted by a stone wall—the wall that fences in the bankers with their special privilege. Thus the issue is joined between the hosts of democracy, of which the veterans are

part, and the men of the king's bank, the would-be aristocrats, who deflated American agriculture and robbed this country for the benefit of their foreign principals.

Mr. Chairman, last December I introduced a resolution here asking for an examination and an audit of the Federal Reserve Board and the Federal Reserve banks and all related matters. If the House sees fit to make such an investigation, the people of the United States will obtain information of great value. This is a government of the people, by the people, for the people, consequently nothing should be concealed from the people. The man who deceives the people is a traitor to the United States. The man who knows or suspects that a crime has been committed and who conceals or covers up that crime is an accessory to it. Mr. Speaker, it is a monstrous thing for this great Nation of people to have its destinies presided over by a traitorous government board acting in secret concert with international usurers. Every effort has been made by the Federal Reserve Board to conceal its power but the truth is the Federal Reserve Board has usurped the Government of the United States. It controls everything here and it controls all our foreign relations. It makes and breaks governments at will. No man and no body of men is more entrenched in power than the arrogant credit monopoly which operates the Federal Reserve Board and the Federal Reserve banks. These evil-doers have robbed this country of more than enough money to pay the national debt. What the National Government has permitted the Federal Reserve Board to steal from the people should now be restored to the people. The people have a valid claim against the Federal Reserve Board and the Federal Reserve banks. If that claim is enforced, Americans will not need to stand in breadlines or to suffer and die of starvation in the streets. Homes will be saved, families will be kept together, and American children will not be dispersed and abandoned. The Federal Reserve Board and the Federal Reserve banks owe the United States Government an immense sum of money. We ought to find out the exact amount of the people's claim. We should know the amount of the indebtedness of the Federal Reserve Board and the Federal Reserve banks to the people and we should collect that amount immediately. We certainly should investigate this treacherous and disloyal conduct of the Federal Reserve Board and the Federal Reserve banks.

Here is a Federal Reserve Note. Immense numbers of these notes are now held abroad. I am told they amount to upward of a billion dollars. They constitute a claim against our government and likewise a claim against the money our people have deposited in the member banks of the Federal Reserve System. Our people's money to the extent of $1,300,000,000 has within the last few months been shipped abroad to redeem Federal Reserve Notes and to pay other gambling debts of the traitorous Federal Reserve Board and the Federal Reserve banks. The greater part of our monetary stock has been shipped to foreigners. Why should we promise to pay the debts of foreigners to foreigners? Why should our government be put into the position of supplying money to foreigners? Why should American farmers and wage earners add millions of foreigners to the number of their dependents? Why should the Federal Reserve Board and the Federal Reserve banks be permitted to finance our competitors in all parts of the world? Do you know why the tariff was raised? It was raised to shut out the flood of Federal Reserve goods pouring in here from every quarter of the globe—cheap goods produced by cheaply paid foreign labor on unlimited supplies of money and credit sent out of this country by the dishonest and unscrupulous Federal Reserve Board and the Federal Reserve banks. Go out in Washington to buy an electric light bulb and you will probably be offered one that was made in Japan on American money. Go out to buy a pair of fabric gloves and inconspicuously written on the inside of the gloves that will be offered to you will be found the words "made in Germany" and that means "made on the public credit

of the United States Government paid to German firms in American gold taken from the confiscated bank deposits of the American people."

The Federal Reserve Board and the Federal Reserve banks are spending $100,000 000 a week buying government securities in the open market and are thus making a great bid for foreign business. They are trying to make rates to attractive that the human-hair merchants and distillers and other business entities in foreign lands will come here and hire more of the public credit of the United States Government and pay the Federal Reserve outfit for getting it for them.

Mr. Chairman, when the Federal Reserve Act was passed the people of the United States did not perceive that a world system was being set up here which would make the savings of an American schoolteacher available to a narcotic-drug vendor in Macao. They did not perceive that the United States was to be lowered to the position of a coolie country which has nothing but raw materials and heavy goods for export; that Russia was destined to supply man power and that this country was to supply financial power to an international superstate--a superstate controlled by international bankers and international industrialists acting together to enslave the world for their own pleasure.

The people of the United States are being greatly wronged. If they are not, then I do not know what "wronging the people" means. They have been driven from their employment. They have been dispossessed of their homes. They have been evicted from their rented quarters. They have lost their children. They have been left to suffer and to die for the lack of shelter, food, clothing, and medicine.

The wealth of the United States and the working capital of the United States has been taken away from them and has either been locked in the vaults of certain banks and great corporations or exported to foreign countries for the benefit of the foreign customers of those banks and corporations. So far as the people of the United States are concerned, the cupboard is bare. It is true that the warehouses and coal yards and grain elevators are full, but the warehouses and coal yards and grain elevators are padlocked and the great banks and corporations hold the keys. The sack of the United States by the Federal Reserve Board and the Federal Reserve banks and their confederates is the greatest crime in history.

Mr. Chairman, a serious situation confronts the House of Representatives today. We are the trustees of the people and the rights of the people are being taken away from them. Through the Federal Reserve Board and the Federal Reserve banks, the people are losing the rights guaranteed to them by the Constitution. Their property has been taken from them without due process of law. Mr. Chairman, common decency requires us to examine the public accounts of the government to see what crimes against the public welfare have been or are being committed.

What is needed here is a return to the Constitution of the United States. We need to have a complete divorce of Bank and State. The old struggle that was fought out here in Jackson's day must be fought out again. The independent United States Treasury should be reestablished and the government should keep its own money under lock and key in the building the people provided for that purpose. Asset currency, the device of the swindler, should be done away with. The government should buy gold and issue United States currency on it. The business of the independent bankers should be restored to them. The State banking systems should be freed from coercion. The Federal Reserve districts should be abolished, and State boundaries should be respected. Bank reserves should be kept within the

borders of the States whose people own them, and this reserve money of the people should be protected so that international bankers and acceptance brokers and discount dealers cannot draw it away from them. The exchanges should be closed while we are putting our financial affairs in order. The Federal Reserve Act should be repealed and the Federal Reserve banks, having violated their charters, should be liquidated immediately. Faithless government officers who have violated their oaths of office should be impeached and brought to trial. Unless this is done by us, I predict that the American people, outraged, robbed, pillaged, insulted, and betrayed as they are in their own land, will rise in their wrath and send a President here who will sweep the money changers out of the temple. (Applause).

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